



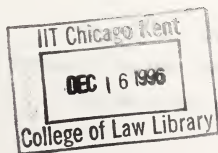
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Rules of Governmental Agencies

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April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
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Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
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Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
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Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
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Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
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Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
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May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
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June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Procedures
- 2) **Code Citation:** 86 Ill. Adm. Code 1910
- 3) **Section Numbers:** Proposed Action:
- | | |
|---------|-------------|
| 1910.5 | Amended |
| 1910.10 | Amended |
| 1910.20 | Amended |
| 1910.30 | Amended |
| 1910.40 | Amended |
| 1910.50 | New Section |
| 1910.60 | Amended |
| 1910.65 | Amended |
| 1910.66 | New Section |
| 1910.67 | Amended |
| 1910.68 | Amended |
| 1910.69 | Amended |
| 1910.70 | Amended |
| 1910.75 | Amended |
| 1910.90 | Amended |
- 4) **Statutory Authority:** 35 ILCS 200/7-5 through 7-15 and 35 ILCS 200/16-160 through 16-195
- 5) **A Complete Description of the Subjects and Issues Involved:** Section 1910.5 Construction and Definitions: This Section is amended to define terms used within the Part to aid understanding of the subject matter of the Part. Where possible, statutory definitions have been utilized.
- Section 1910.10 Statement of Policy:** This Section is amended to set forth the updated Illinois Compiled Statute citation regarding the Department of Revenue's authority to establish a State equalization factor.
- Section 1910.20 Correspondence:** This Section is amended to provide the Property Tax Appeal Board's correct post office address for its respective offices in Springfield, Illinois and Des Plaines, Illinois. More specifically, this Section directs all communications for Cook County to the Des Plaines, Illinois office of the Property Tax Appeal Board.
- Section 1910.30 Petitions - Applications:** This Section is amended to clarify the proper procedure for the filing of a petition for either a single parcel or for multiple parcels; to provide for the submission of the board of review decision when applicable; to clarify the date in which evidence is deemed filed when sent by mail; to provide a time limitation to notify the Board when a change of mailing address has occurred; and to explain the circumstances wherein an incomplete petition will be

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

dismissed.

Section 1910.40 Board of Review Response to Petition Application: This Section is renamed and amended to clarify when the Property Tax Appeal Board will notify the board of review of the filing of an appeal, and its subsequent requirements for responding to the pending appeal; and to clarify the procedure in which the board of review may contest the Property Tax Appeal Board's jurisdiction over a specific appeal.

Section 1910.50 Determination of Appealed Assessment: This Section is renumbered from Section 1910.40 and amended to clarify that a hearing is to be held if any party requests a hearing in writing; to provide for the use of the three year level of assessments in all Illinois counties except for Cook County; to provide for the time limitation for the Board's revision or corrections of its decisions; to conform this Section's language with the relevant updated citations of the Illinois Compiled Statutes; to provide for the possible limitations on a taxpayer's right to file an appeal with the Board after a taxpayer has filed specific objections in the circuit court pursuant to 35 ILCS 200/21-175 and 35 ILCS 200/23-5; to clarify the effect of a Board's decision regarding the assessment of an owner occupied property during the remainder of the general assessment period; to provide for the Board's right to reject a stipulation agreed to by the parties; and to clarify when the Board will allow for the voluntary dismissal of an appeal.

Section 1910.60 Interested Parties - Intervention: This Section is amended to clarify when a taxpayer body may intervene in an appeal; and to provide for the possible limitations on a taxpayer body's right to file an appeal with the Board when a taxpayer files specific objections in the circuit court pursuant to 35 ILCS 200/21-175 and 35 ILCS 200/23-5.

Section 1910.65 Documentary Evidence: This Section is amended to clarify the minimum number of comparables required in an equity argument; to clarify the kinds of evidence normally necessary and the minimum number of comparables necessary to prove a market value argument.

Section 1910.66 Rebuttal Evidence: This Section is added to clarify the definition of rebuttal evidence.

Section 1910.67 Hearings: This Section is amended to provide for a hearing when a party makes a request for a hearing in writing; to provide for a pre-hearing conference where a change in an assessed valuation of \$300,000 or more is sought; to provide for a requirement of a court reporter when a party is seeking a change in assessed valuation of \$100,000 or more pursuant to Section 16-190 of the Property Tax Code.

Section 1910.68 Subpoenas: This Section is amended to conform with the relevant updated citations of the Illinois Compiled Statutes.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1910.69 Sanctions: This Section is amended to clarify the circumstances in which the Property Tax Appeal Board will dismiss or default a party to an appeal.

Section 1910.70 Representation at Hearings: This Section is amended to clarify the procedure in which a party may appear before the Property Tax Appeal Board.

Section 1910.75 Access to Board Records: This Section is amended to make reference to the Freedom of Information Act.

Section 1910.90 Practice Rules: This Section is amended to conform with the relevant updated citations of the Illinois Compiled Statutes.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic renewal date? No

8) Does this rulemaking contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Property Tax Appeal Board's policy objective by this rulemaking process is to explain, clarify and delineate appeal procedures at the State level of property tax assessment adjudication.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by filing such comments in writing during the first notice period with the Property Tax Appeal Board at its offices in Springfield:

James W. Chipman - Executive Director
Property Tax Appeal Board
402 William G. Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
(217) 782-6076

12) Initial Regulatory Flexibility Analysis:

a) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property.

b) Reporting, bookkeeping or other procedures required for compliance: None

PROPERTY TAX APPEAL BOARD

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c) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The Property Tax Appeal Board did not anticipate amending these rules to Part 1910 until the summer of 1996.

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Code. (Section 1-120 of the Code)
- 2) Taxing District - Any unit of local government, school district or community college district with the power to levy taxes.
(Section 1-130 of the Code)
- 6) Market-Value--the value expressed in money which a property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so; and the buyer is ready, willing, and able to buy but not forced to do so.
- 8) Party - either the contesting party (appellant), the board of review (appellee), or the intervenor(s).
- 9) Contesting-Party--Any party who property files an appeal with the Board.
- 9) Attorney - Any individual admitted to the practice of law in this State as set forth in the Attorney Act. [705 ILCS 205] Illinois Supreme Court Rules 411b-Rev-Stat-1997-ch-110h-par-7047.
- 10) Brief - A document which contains a summary of the facts, the pertinent laws, and an argument on how such laws apply to the facts of the case.
- 11) Quadrangle of land a part of the parcel assessment of real property estate-and-improvements required by law to be made once in every four years. (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)
- 12) Section 146 of the Act-See also Section 43 of the Act; Triennial Assessment - In counties of 3,000,000 or more inhabitants the general assessment of real property required by law to be made once every three years. (Section 9-220 of the Code)

- c) All references to the board of review shall be deemed to include the Cook County Board of Appeals until the first Monday in December, 1998.
- d) All references in these rules to property record card shall be deemed to include a property characteristic printout detailing the property's physical characteristics.
- e) Gender-neutral definitions listed above are intended only as an aid to interpretation of the Official Rules of the Property Tax Appeal Board (this Part).
- f) Words in the singular form shall be deemed to include the plural. Words in the masculine form shall be deemed to include the feminine form.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1910.10 Statement of Policy

- a) The Property Tax Appeal Board shall consist of five members appointed by the Governor, with the advice and consent of the Senate. The Chairman of the Property Tax Appeal Board shall be designated by the Governor with the advice and consent of the Senate. A vacancy in the

PROPERTY TAX APPEAL BOARD

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- membership of the Board shall be filled in the same manner as original appointments are made.
- b) The Property Tax Appeal Board shall determine the correct assessment prior to state equalization of any parcel of real property which is the subject of an appeal, based upon facts, evidence, exhibits and briefs submitted to or elicited by the Board. The state equalization factor is set by the Department of Revenue pursuant to Section 17-5 of the Property Tax Code, Section 447 of the Act.
- c) Only a taxpayer or owner of property dissatisfied with the decision of a board of review as such decision pertains to the assessment of his property for taxation purposes, or a taxing body that has a tax revenue interest in the decision, or the board of review on an assessment made by any local assessment officer, may file an appeal with the Board.
- d) When the Property Tax Appeal Board shall consider appeals as hereinafter provided and revise the assessment of any particular parcel of real property when it finds such assessment to be in error.
- e) Upon the proper filing of a petition by a contesting party, the Property Tax Appeal Board shall have the power to revise all or any part of the assessment when it finds such assessment or part thereof to be in error.
- f) The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1910.20 Correspondence

- a) All communications to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 402 William G. Stratton Building, 401 S. Soledad Street, Springfield, Illinois 62706-0002 484---Whittam-6---Stratton-Building--P-69---Box-19298 Springfield, Illinois 62794-9298, unless otherwise directed. The main telephone number is (217)784-8076. The office of the Clerk of the Property Tax Appeal Board at Springfield, Illinois is the official location of the Board for the filing of papers for all counties other than Cook.
- b) All communications to the Illinois Property Tax Appeal Board in Cook County shall be addressed to the Clerk of the Property Tax Appeal Board, 9511 West Harrison Street, Suite 17A, Des Plaines, Illinois 60018, unless otherwise directed. The main telephone number is (708)444-1100. The official location of the Board at Des Plaines, Illinois is the official location of the Board for the filing of papers for Cook County.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

PROPERTY TAX APPEAL BOARD

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§11-7 If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body contesting party must furnish the name and address of the owner of the property in question. A copy of such completed a petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) 4th of this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1910.40 Board of Review Response to Petition Application Determination of-Appraised-Assessment

a) Upon receipt of the perfected petition from the contesting party party's-petition-and-upon-assignment-of-a-docket-number--to-the petition, the Clerk of the Property Tax Appeal Board shall notify the Board of review of the filing of the appeal. Upon notification of the filing of the appeal, the Board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property to the Board of review Notes on Appeal shall also reflect the application of a reviewable multiplier where applicable. The Board of review shall submit a copy of the property record card of the subject property, second copy of the Board of Review's action on the local appeal of the property-PFA-6 and a copy of the property record card of the subject property from the local Board of review showing the assessed valuation for the assessment-year-for-the-property-under-appeal--This explanation must also-reflect-the-application-of-a-local-township-multiplier--where applicable. The property record card should contain, where possible, a schematic drawing of all structural improvements to the land, completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal Form-PFA-6 and all written and documentary evidence supporting the Board of Review's position must be submitted to the Property Tax Appeal Board within 30 days after the date and/or receipt of the notice of the filing of an appeal unless the Board of review Board of Review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal.

b) If the Board of review Board-of-Review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal Form-PFA-6 and accompanying documentation. The request for dismissal must set forth the basis of the Board of review's Board-of-Review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In such cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the contesting party

PROPERTY TAX APPEAL BOARD

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and secure a written response to the request for dismissal from the contesting party within 30 days after the postmark date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the Board of review Board-of-Review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a decision determining if it has jurisdiction in the matter.

c) If the Board of review objects to the Board's jurisdiction and Property Tax Appeal Board subsequently Board determines that it has jurisdiction over the parties and the subject matter of the appeal, the Board of review Board-of-Review shall submit Form-PFA-6 Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after of the Board's decision determining jurisdiction.

d) If the Board of review Board-of-Review is unable to submit the required necessary evidence with Form-PFA-6 the Notice on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal Form-PFA-6. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may be the inability to submit evidence for a cause beyond the control of the Board of review Board-of-Review, such as, but not limited to, the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal Form-PFA-6 is filed.

e) The Clerk shall cause such assessment record to become a part of such appeal proceeding and record, and shall send a copy of the same to the Property Tax Appeal Board. The Board of Review shall file a petition for appeal where a change in assessed valuation of \$100,000 or more is sought, the Board of review Board-of-Review shall serve a copy of the petition filed with the Property Tax Appeal Board upon receipt of the same on all taxing districts as shown on the last available tax bill. The Board of review Board-of-Review shall also serve a certificate of service on the Property Tax Appeal Board affirming that all taxing districts have received notification of the appeal. The certificate of service shall be signed by a member the chairman of the Board of review Board-of-Review or the clerk of the Board of review.

f) All proceedings before the Property Tax Appeal Board are de-novo-which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and facts submitted to the Board of Review. The Board of Review or any subdivisions not timely filed or not specifically made-a part-of-the-record:

g) By-statement--the Property Tax Appeal Board may accept-into-the-record

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all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. However, on its own motion, the Board may order a hearing to be held at a time and place designated by the Board.

- e) The decision of the Property Tax Appeal Board will be based on equity and the weight of the evidence. A three-year county-wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.
- f) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated by the Board's decision upon its own initiative at any time prior to the expiration of the 35-day appeal period as provided in Section 11-4 of the Act if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the Board of Review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

- g) A majority of the Members of the Board is required to make a decision of the Board.

- h) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review law (Ill. Rev. Stat. 1997 ch. 115, pars. 5-10) et seq.) and Section 11-4 of the Act. The review of all documents in an appeal file

- i) The Board shall complete the certification of the Property Tax Appeal Board proceedings in answer to a complaint for Administrative Review which is filed with the Board. The Board shall prepare the Property Tax Appeal Board at a cost to the plaintiff of \$25 per page, except for pages of the original transcript which will have a cost of \$15 per page and for pages larger than legal size which will have a cost of \$1.88 per page. From the original certification of proceedings, which will be filed with the Clerk of the Circuit Court, copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, the plaintiff, in the Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An estimate of the cost of preparing a certified record will be mailed to the plaintiff. Upon receipt of the necessary payment, the Property Tax Appeal Board will prepare certification of the proceedings.

- j) A petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon

PROPERTY TAX APPEAL BOARD

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valuation in the Circuit Court as may otherwise be permitted by Sections 21-177 and 23-5 of the Property Tax Act and 235 of the Act.

- (Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 1910.50 Determination of Appealed Assessment Hearings (Renumbered)

- a) All proceedings before the Property Tax Appeal Board shall be considered de novo which shall mean that the Property Tax Appeal Board will consider only the evidence, exhibits and briefs submitted and will not give any weight or consideration to any prior actions by a local board of review or any submissions not timely filed or not specifically made a part of the record.

- b) By statute, the Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing.

- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence. In all counties other than Cook, a three-year county-wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

- d) Whether a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated by the Board's decision upon its own initiative at any time prior to the expiration of the 35-day appeal period as provided in Section 11-4 of the Administrative Review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.

- e) A majority of the Members of the Board is required to make a decision of the Board.

- f) Final administrative decisions of the Property Tax Appeal Board are subject to review under the provisions of the Administrative Review law (Ill. Rev. Stat. 1997 ch. 115, pars. 5-10) et seq.) and Section 11-4 of the Property Tax Code.

- g) The required number of copies of all documents in an appeal file

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necessary to complete the certification of the Property Tax Appeal Board proceedings in answer to a complaint for Administrative Review will be prepared by the Property Tax Appeal Board at a cost to the plaintiff of \$.25 per page, except for pages of the original transcript which will have a cost of \$.75 per page, and for pages larger than legal size which will have a cost of \$1.00 per page. From the original certification of proceedings, which will be filed with the Clerk of the Circuit Court, copies of the proceedings will be prepared and forwarded to the Attorney General, State's Attorney, and the Plaintiff in the Administrative Review and one copy will be retained as a permanent record for the Property Tax Appeal Board. An affidavit of the Plaintiff certifying records filed will be filed by the Plaintiff upon receipt of the records from the Property Tax Appeal Board. The Plaintiff will prepare certification of the proceedings.

b) If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code.

i) If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. If the Property Tax Appeal Board renders a decision lowering the valuation of the subject property, the taxpayer is precluded from filing a petition with the board of review or filing a writ of certiorari from the board of review at the next session of the board of review at which assessments for the subsequent year are being considered. The taxpayer may, within 10 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board.

k) If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 2-125 through 9-225 of the Code, unless the assessment is changed by the board of review. The assessment, in establishing a fair cash value for the parcel that is different from the fair cash value on which the board's assessment is based or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

l) If a stipulation is entered to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

m) The contesting party may, at any time before the hearing begins, upon notice to the other parties to the appeal, move to dismiss the appeal. Any written request filed with the board. However, where a party to the

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appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

(Source: Former Section 1910.50 renumbered to Section 1910.67 at 13 Ill. Reg. 16451, effective January 1, 1990; new Section added at 21 Ill. Reg. _____, effective _____.)

Section 1910.60 Interested Parties - Intervention

a) Any taxpayer or owner of property dissatisfied with a decision of the Board of review Board-of-review as such decision pertains to the assessment of his property may become a party to the appeal by filing a petition with the Property Tax Appeal Board within 30 days after the postmark date or personal service date of written notice of the decision of the Board of review. The petition must be filed with the final adopted township multipliers by the board of review Board-of-review. If the taxpayer or owner of property files a petition within 30 days of the postmark date or personal service date of the written notice of the application of final, adopted township multipliers, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township multiplier.

b) Any taxing body that has a revenue interest in a decision of the Board of review Board-of-review may become a party to an appeal by filing its petition within 30 days after of the postmark date of the written notice to the taxpayer of a decision by the Board of review. The petition must be filed with the final adopted township multipliers by the Board of review. If a taxpayer files a petition within 30 days of the postmark date or personal service date of the written notice of the application of final, adopted township multipliers, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township multiplier. Any taxing body that has a revenue interest in a decision of the Board of review Board-of-review may become a party to an appeal by filing its petition within 30 days after of the postmark date of the written notice to the taxpayer of a decision by the Board of review. If a taxpayer files a petition within 30 days of the postmark date or personal service date of the written notice of the application of final, adopted township multipliers, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township multiplier. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.

c) If a taxpayer files specific objections in the circuit court based upon valuation, as may be otherwise permitted by Sections 21-175 and 23-5 of the Code, a taxing body shall be precluded from filing an appeal with the Board of review. Any such appeal filed with the Board of review shall be dismissed by the Board.

d) Upon notice to the owner that a taxing body has filed an appeal affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a request to intervene within 30 days after of the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal.

e) Any taxing body that has a revenue interest in an appeal before the

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Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene. The Request to Intervene must be filed within 60 days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal, or within 30 days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code. Section 1114 of the Act--whichever is later--become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene. The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.

§1. Requests to Intervene shall be filed in triplicate and all copies of the same shall be signed with additional written and documentary evidence in support of the Request to Intervene. The Request to Intervene must be filed with the Clerk of the Board of Review in triplicate. Any Request to Intervene which is received without a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. However, the intervening party may refile within 20 days after the date of the return of the Request to Intervene.

§2. If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, he must submit a letter requesting an extension of time with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include shall-be but not limited to the inability to submit evidence for a cause beyond the control of the assessing party, such as the pendency of court action affecting the assessment of property or the death or serious illness of the assessing party. With the Request to Intervene, the intervening party shall submit written evidence in support of its extension. No evidence will be accepted after the Request to Intervene is filed.

§3. The Clerk of the Property Tax Appeal Board shall cause such Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same to the assessing party and the Board of Review Board of Review. §4. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1910.65 Documentary Evidence--Rebuttal

a) The Property Tax Appeal Board generally considers appeals with respect to the correct valuation of property for assessment purposes based

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upon the following contentions: that

- 1) the subject property is not accurately assessed when its assessment is compared to the assessments of other, similar properties in its neighborhood; and/or
- 2) the market value of the subject property is not accurately reflected in its assessment.

b) Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of the subject property and it is recommended that not less than three of the suggested comparable properties be submitted, and documentation of documentation must be submitted showing similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property.

c) Proof of the market value of the subject property may consist of the following:

- 1) an appraisal of the subject property as of the assessment date at issue;
- 2) a recent sale of the subject property;
- 3) documentation evidencing evidence of the cost of construction of the subject property including the cost of the land and the value of any labor provided by the owner if the date of construction is proximate to the assessment date; or
- 4) documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.

d) The Property Tax Appeal Board may consider appeals based upon contentions of law. Such contentions of law must be concerned with the correct assessment of the subject property. Contentions of law are raised by the petitioner and the assessment year in question. The petitioner must file the request and accompanying documentation filed by a party may other party may within 30 days of receipt of the written or documentary rebuttal evidence--submitted to--appeal--repeal written or disprove facts given in evidence by an adverse party and must--tend to explain or contradict or disprove evidence offered by an adverse party--

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1910.65 Rebuttal Evidence

a) Upon receipt of the argument and accompanying documentation filed by a party, any other party may, within 30 days after receipt, file written or documentary rebuttal evidence. Rebuttal evidence consists of written or documentary evidence submitted to explain and/or contradict or disprove facts given in evidence by an adverse party and

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must tend to explain or contradict or disprove evidence offered by an adverse party.

- b) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1910-67 Hearings

- a) By statute, the Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with these rules to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing or when evidence received from the contesting party-the-board-of-review-and/or-an-intervening-party-supports differing positions. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the hearing date, and place of the hearings at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) Upon request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board at its Springfield-office. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) In all cases where a change in assessed valuation of \$660,999 or more is sought-the Property Tax Appeal Board shall order a pre-hearing conference review all appeals filed in compliance with this Act. After a pre-hearing conference is held where a change in assessed value of \$100,000 or more is sought-The Property Tax Appeal Board may order a pre-hearing conference to ascertain the positions of the parties and to reach agreements on stipulations of fact, admission of documents and all other matters that will expedite the hearing and determination of the appeal whenever the cases have been set for hearing by the Board and one or more factual or legal issues exist which can be resolved at a prehearing conference. The Board shall

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issue a prehearing order resolving matters agreed to and rulings as to disputed matters. The order shall be served at the same time upon all parties and shall control the subsequent course of the proceeding.

- f) Hearings may be held before less than a majority of the members of the Board, and the Chairman may assign members of the Hearing Officers to hold hearings at the offices of the Board, or at any other location in Illinois selected by the Board. The 7-year term of the Board may cause its Illinois offices in Springfield or at any other location in Illinois selected by the Board. The 7-year term of the Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.

- g) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.

- h) Power of the Property Tax Appeal Board during hearings.
- 1) In connection with any proceeding, the Board shall have full authority to:
 - A) Conduct and control the procedure of the hearing;
 - B) Admit or exclude testimony or other evidence into the record pursuant to this Part's affirmations and examine all persons
 - C) Administer oaths, hearing testimony or to offer evidence;
 - D) Require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal; and
 - E) Require the submission of briefs on issues of law raised during the hearing within 60 days after of the termination of the hearing.

- 2) The Board shall cause its Hearing Officer to conduct hearings on its behalf and report his findings for affirmation or rejection.

Any such Hearing Officer shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.

- i) Continuances shall be granted for good cause shown in writing, and the continuance shall be subject to the order of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.

- j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a rebuttal after all

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order-enforcing-the-subpoena-

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 190.69 Sanctions

- a) Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 190.30, 190.40, 190.60, 190.65 and 190.67 of this Part shall result in the default of that party.
- b) When a hearing is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing on the appeal on the date and at the place specified in the notice of the hearing. Failure to appear without good cause, or to appear without being properly prepared to examine, cross-examine, and defend the appeal, shall be cause for the Board to dismiss the appeal. Failure to appear on the date and at the place specified in the notice of the hearing shall be cause for the Board to default the party. The Board shall be sufficient cause to default the party.
- c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.
- d) A party, his representative, or his witness shall not communicate, directly or indirectly, with the Board, any Member, or employee in connection with any issue in a pending appeal except upon notice and opportunity for all parties to participate.
- e) Failure of the contesting party to furnish a court reporter as required in Section 190.67(n)(4) to furnish a court reporter's transcript within 60 days after the date of the hearing shall result in the dismissal of the appeal.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 190.70 Representation at Hearings

- a) A party shall have the right to represent himself and to be present at and to participate in any hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. ~~ACCOUNTANTS Except-as-provided-in--subsection (b)--of--this-Section--accountants, tax representatives, tax advisers, real estate appraisers, real estate consultants and others not qualified to practice law in this State may not appear at hearings before the Board in a representative capacity, and may not conduct~~

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questioning, cross-examination or other investigation at the hearing. However, such persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by such parties to the Board at hearings.

- b) Any party, including a corporation, may be represented at a Property Tax Appeal Board proceeding by any authorized officer, employee or attorney.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 190.75 Access to Board Records

- a) Subject to the rights and protections of the Freedom of Information Act 15 ILCS 40/1, the official record in each appeal decided by the Board and not pending in the courts of this State shall be available for public inspection and copying at the office of the Board.
- b) The Property Tax Appeal Board shall publish annually a volume containing synopses of representative cases decided by the Board during that year. The publication shall be organized by or cross-referenced by the issue presented before the Board in each decision contained in the publication. Copies shall be available at a reasonable cost.
- c) Inspection of any files and documents--or-the-annual-publication shall be permitted only at the offices of the Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 190.90 Practice Rules

- a) The provisions of this Section are promulgated pursuant to Section 15-180 of the Code of the State of Illinois and shall apply to all hearings conducted by the Property Tax Appeal Board. Nothing contained in this Section shall be construed to limit the right of any party to file any motion or petition of the Board, duties of the Board under the Act.
- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 190.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) of this Section. All hearings shall be open to the public.
- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
 - 1) Preliminary matters - motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements - the contesting party shall proceed first, followed by the Board of Review and intervenors, if any; opening

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- statements may be waived or amended and presented prior to the commencement of a party's case in chief;
- 3) Case in chief - the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the Board of Review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer, and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal - the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the Board of Review and intervenors, if any;
 - 5) Closing statements - the closing argument of the contesting party shall be heard first, followed by the closing arguments of the Board of Review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
 - 6) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(1) of this Part; a hearing which has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.
 - 7) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
 - 8) Any party may object to the admissibility of evidence or testimony, and such objections must clearly state the specific ground or rule of law which is the basis for the objection thereto; evidence prior to the hearing on the appeal, the objectivity of which must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on such objection in writing prior to the hearing of the appeal.
 - 9) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 10) Any party offering evidence which is ruled inadmissible shall be permitted to make a brief offer of proof in writing upon motion made at the hearing.
 - 11) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.
 - 12) Writings, documents and all copies thereof submitted to the Property

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- Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer. The Property Tax Appeal Board may take official notice of decisions it has rendered within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- 1) Any party or his witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure (735 ILCS 5/2-1102).
 - 2) Rev.-Stat.-1997, chv-119, par-2-11492, Upon a showing that a witness was called in good faith and that the party calling him or her testified by his testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.
 - 3) It is the policy of the Property Tax Appeal Board that the parties to an appeal should to the fullest extent possible stipulate all matters which are not or fairly should not be in dispute. Prior to the hearing, during a prehearing conference or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.
 - 4) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law, and shall be served by mail on the persons and parties affected thereby as provided in Section 16-195 of the Property Tax Code effective 4-1-94. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations
- 2) Code Citation: 62 Ill. Adm. Code 1800
- 3) Section Numbers:
- | | |
|---------|-----------------|
| 1800.4 | Adopted Action: |
| Amend | |
| 1800.5 | Amend |
| 1800.11 | Amend |
| 1800.12 | Amend |
| 1800.23 | New |
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 7201).
- 5) Effective Date of Rulemaking: December 2, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 2, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 4224, March 15, 1996

- 10) Has JCAR issued a Statement of Objections to these rules? Yes. The Department has agreed to modify this rule pursuant to JCAR's Statement of Objection.

11) Difference(s) between proposal and final version:

- a) All Ill. Rev. Stat. cites have been stricken in Authority.
- b) In Section 1800.23(a), "section" has been capitalized.
- c) In Section 1800.23, the italics have been removed from the text.
- d) In Section 1800.23(b)(2)(A), added "(b)" before "(2)".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Section 6.01 of the Surface Coal

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Mining Land Conservation and Reclamation Act (State Act), 225 ILCS 720/6.01, was recently amended to allow the Department to accept an applicant's bond, without separate surety, when the applicant has a history of solvency and designates a suitable agent for service of process (self-bonding). The proposed amendments to Sections 1800.4, 1800.5, 1800.11, 1800.12, and proposed new Section 1800.23, implement the statutory self-bonding provision.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Karen Jacobs, Legal Counsel
Department of Natural Resources
524 South Second Street
Springfield, IL 62701
(217) 782-1809

The full text of the Adopted Amendment begins on the next page:

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saveable to the Department, with or without separate surety.

(Source: Amended at 20 Ill. Reg. 15.683, effective DEC 2 1984)

Section 1800.11 Requirement to File a Bond

- a) After a permit application under 62 Ill. Adm. Code 1772 through 1795 has been approved, but before a permit is issued, the applicant shall file with the Department, on a form provided by the Department a bond or bonds for performance made payable to the Department and conditioned upon faithful performance of all 1985 requirements of Sections 1770 through 1795 of the Department's permit and reclamation plan. Failure to file a performance bond and other equivalent guarantee in accordance with this Section within one (1) year after the issuance of the Department's written findings approving a permit application under 62 Ill. Adm. Code 1773.15(c) shall result in the expiration of the Department's written findings approving the permit application.
- b) Bond coverage.

- 1) The bonds or bonds shall cover the entire permit area, or an identified increment of land within the permit area upon which the operator will initiate and conduct surface coal mining operations during the initial term of the permit.
- 2) As surface coal mining and reclamation operations on succeeding increments are initiated and conducted within the permit area, the permittee shall file with the Department an additional bond or bonds to cover such increments in accordance with this Section.
- 3) The operator shall identify the initial and successive areas or increments for bonding on the permit application map submitted for approval as provided in the application (under 62 Ill. Adm. Code 1780 and 1784), and shall specify the bond amount to be provided for each area or increment.
- 4) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the Department become necessary pursuant to Section 1800.50.
- c) An operator shall not disturb any surface areas, succeeding increments or extend any underground shafts, tunnels, or operations prior to acceptance by the Department of the required performance bond.
- d) The operator shall file with the Department a bond or bonds under one of the following schemes to cover the bond amounts for the permit area as determined in accordance with Section 1800.14:
 - 1) A performance bond or bonds for the entire permit area;
 - 2) A cumulative bond schedule and the performance bond required for the full reclamation of the initial area to be disturbed; or
 - 3) An incremental bond schedule and the performance bond required

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for the first increment in the schedule.

- e) The Department shall administer self-bonding for eligible permittees consistent with all applicable provisions of Section 1800.1 through 1800.50.

(Source: Amended at 20 Ill. Reg. 15.683, effective DEC 2 1984)

Section 1800.12 Form of the Performance Bond

The Department shall prescribe the form of the performance bond. The Department shall allow for:

- a) A surety bond;
- b) A collateral bond; or
- c) A self-bond; or
- d) A combination of any of these bonding methods.

(Source: Amended at 20 Ill. Reg. 15.683, effective DEC 2 1984)

Section 1800.23 Self-Bonding

- a) For purposes of this Section only, the following terms have the following meanings:

Current assets means cash or other assets or resources which are reasonably expected to be converted to cash or sold or consumed within one year or within the normal operating cycle of the business.

Current liabilities means obligations which are reasonably expected to be paid or liquidated within one year or within the normal operating cycle of the business.

Fixed assets means plants and equipment, but does not include land or coal in place.

Liabilities means legally enforceable obligations to transfer assets to provide a benefit to other entities in the future as a result of past transactions.

Net worth means total assets minus total liabilities and is equivalent to owners' equity.

Parent corporation means a corporation which owns or controls the applicant.

Tangible net worth means net worth minus intangibles such as goodwill and rights to patents or royalties.

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- b) The Department may accept a self-bond from an applicant for a permit if all of the following conditions are met by the applicant or its parent corporation guarantor:

1) The applicant designates a suitable agent to receive service of process in the State of Illinois.

2) The applicant has been in continuous operation as a business since the date of its incorporation for not less than five years. Continuous operation shall mean that business was conducted over a period of five years immediately preceding the time of application.

A) The Department may allow a joint venture or syndicate with less than five years of continuous operation to qualify under subsection (b)(2) above, if each member of the joint venture or syndicate has been in continuous operation for at least five years immediately preceding the time of application.

B) When calculating the period of continuous operation, the Department may exclude past periods of interruption to the operation of the business entity that were beyond the applicant's control and that do not affect the applicant's likelihood of remaining in business during the proposed surface coal mining and reclamation operations.

3) The applicant shall demonstrate sufficient detail to show that the applicant meets one of the following criteria:

A) The applicant has a current rating for its most recent bond issuance of "A" or higher as issued by either Moody's Investor Service or Standard and Poor's Corporation.

B) The applicant has a tangible net worth of at least \$10 million, a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater.

C) The applicant's fixed assets in the United States, total at least \$20 million, and the applicant has a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater.

4) The applicant submits:

A) Financial statements for the most recently completed fiscal year audited by a certified public accountant or an independent certified public accountant in conformity with generally accepted accounting principles and containing the accountant's audit opinion or review opinion of financial statements with no adverse opinion;

B) Unaudited financial statements for completed quarters in the current fiscal year; and

C) Additional unaudited information as requested by the Department.

C) Written guarantee.

1) The Department may accept a written guarantee for an applicant's

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self-bond from a parent corporation guarantor, if the guarantor meets the conditions of subsections (b)(1) through (4), above, as if it were the applicant. Such a written guarantee shall be referred to as a "corporate guarantee." The terms of the corporate guarantee shall provide for the following:

A) If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide funds to the Department sufficient to complete the reclamation plan, but not to exceed the bond amount.

B) The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant and to the Department at least 30 days in advance of the cancellation date, and the Department accepts the cancellation.

C) The cancellation may be accepted by the Department if the applicant obtains suitable replacement bond before the cancellation date or if the lands for which the self-bond or portion thereof was accepted have not been disturbed.

2) The Department may accept a written guarantee for an applicant's self-bond from any corporate guarantor whenever the applicant meets the conditions of subsections (b)(1), (2) and (4), above, and the guarantor meets the conditions of subsections (b)(1) through (4) above. Such a written guarantee shall be referred to as a "non-parent corporate guarantee." The terms of this guarantee shall provide for compliance with the conditions of subsections (b)(1) through (4) above. The Department may require the applicant to submit any information specified in subsection (b)(4) of the application order to determine the financial condition of the applicant.

D) In order for the Department to accept an applicant's self-bond, the total amount of the outstanding and proposed self-bonds of the applicant for surface coal mining and reclamation operations shall not exceed 25 percent of the applicant's tangible net worth in the United States. In order for the Department to accept a corporate guarantor, the total amount of the parent corporation guarantor's present and proposed self-bonds and guaranteed self-bonds for surface coal mining and reclamation operations shall not exceed 25 percent of the guarantor's tangible net worth in the United States. In order for the Department to accept a non-parent corporate guarantor, the total amount of the non-parent corporate guarantor's present and proposed self-bonds and guaranteed self-bonds shall not exceed 25 percent of the guarantor's tangible net worth in the United States.

E) If the Department accepts an applicant's self-bond, an indemnity agreement shall be submitted subject to the following requirements:

1) The indemnity agreement shall be executed by the applicant and the parent guarantor, who may be bound jointly, including the parent corporation guarantor, and shall bind each jointly and severally.

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- 2) Corporations applying for a self-bond, and parent and non-parent corporate guarantors of such applicants, shall submit an indemnity agreement signed by two corporate officers who are authorized to bind their corporations. A copy of such authorization shall be provided to the Department along with an affidavit certifying that such an agreement is valid under all applicable federal and state laws. In addition, the guarantor shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement.
- 3) If the applicant is a partnership, joint venture or syndicate, the agreement shall bind each partner or party who has a beneficial interest, directly or indirectly, in the applicant.
- 4) Pursuant to Section 1800.150, the applicant, parent or non-parent corporate guarantor shall be required to complete the approved Declaration and Indemnity Plan to be submitted to the Department in order to complete the bond amount. Under Illinois law, the indemnity agreement when under forfeiture shall operate as a judgment against those parties liable under the indemnity agreement.
- 5) The Department shall require self-bonded applicants and parent and non-parent corporate guarantors to submit an update of the information required under subsections (b)(3) and (4) above within 90 days after the close of each fiscal year following the issuance of the self-bond or corporate guarantee.
- 6) If at any time during the period when a self-bond is posted, the financial conditions of the applicant, parent or non-parent corporate guarantor change so that the criteria of subsections (b)(3) and (4) above are no longer met, the permittee shall notify the Department immediately and shall submit an affidavit certifying that the conditions shall be met within 90 days of the date of notification. If the same amount as the self-bond. Should the permittee fail to post an adequate substitute bond, the provisions of Section 1800.16(c)(2) shall apply.

(Source: Added 2/15/88 20 Ill. Reg. 15683, effective 2/15/88)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Numbers: Adopted Action: 2030.20 Amendments
- 4) Statutory Authority: Implementing and authorizing by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].
- 5) Effective Date of Rulemaking: December 2, 1996
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 2, 1996
- 9) Notice of Proposal Published in Illinois Register: August 30, 1996, 20 Ill. Reg. 11537
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences(s) between proposal and final version: None
- 12) Have all the changes argued upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not suggest any changes to this rulemaking.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended due to public safety concerns resulting from heavy boat use. The area known as Savanna Slough in Region 1 is being added to the list of areas designated as "Slow, No Wake."
- 16) Information and questions regarding these adopted amendments shall be directed to:
 Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

- 2030.10 General Regulations
2030.10 General Regulations (Repealed)
2030.15 Designation of Restricted Waters by the Department of Natural Resources
2030.20 Region I - Designated Restricted Boating Areas
2030.30 Region II - Designated Restricted Boating Areas
2030.40 Region III - Designated Restricted Boating Areas
2030.50 Region IV - Designated Restricted Boating Areas (Repealed)
2030.60 Region V - Designated Restricted Boating Areas
2030.70 Riverboat Gambling Casinos - Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (625 ILCS 45/5-7 and 5-12).

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; modified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8493, effective May 26, 1994; amended at 19 Ill. Reg. 7249, effective May 6, 1995; emergency amendment at 19 Ill. Reg. 1089-3, effective 3/19/95, for 150 amendment at 20 Ill. Reg. 1067; amended at 20 Ill. Reg. 31995, for 150 amendment at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective ~~DEC 4/1996~~.

Section 2030.20 Region I - Designated Restricted Boating Areas.

- a) The following portions of the Rock River are designated as Slow, No Wake areas:
- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
 - 2) The portion of the Rock River 1/4 mile above the dam at Oregon, Illinois, at the docking area at Lowden Memorial Park.

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- b) The following portions of the Fox River are designated as Slow, No Wake areas:
- 1) The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.
- c) The following portions of the Illinois River are designated as Slow, No Wake areas:
- 1) The portion of the Illinois River from the Burlington Northern R.R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.
 - 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.
 - 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.
 - 4) An area of the Illinois River located at the Detweiler Marina, Peoria, Illinois.
 - 5) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.
 - 6) An area located at the Sobowski Marina, Peoria Heights, Illinois.
 - 7) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.
 - 8) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the bridge.
 - 9) The Lacon Boat Club Dock, Lacon, Illinois.
 - 10) The boat ramp at Lacon, Illinois.
 - 11) An area at the Starved Rock Boat Club, Peru, Illinois.
 - 12) The harbor of Starved Rock Marina, Ottawa, Illinois.
 - 13) The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.
- d) The following portions of the Mississippi River are designated as Slow, No Wake areas:
- 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.
 - 2) An area in Vaeley Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.
 - 3) An area at the launching ramp and harbor of the Rock Island Boat Club located at the foot of 18th Avenue in Rock Island.
 - 4) An area at the harbor and ramp in front of the Legion Hall at Cordova, Illinois.
 - 5) An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.
 - 6) An area near the launching ramps and bathing beach at Keithsburg, Illinois.
 - 7) An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.
 - 8) An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.

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- 9) An area at Shokohor, Illinois.
- 10) An area in the fish preserve lock and dam 19 at Hamilton, Illinois.
- 11) The public launching area 3 miles north above the dam at Hamilton.
- 12) The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.
- 13) The waters encompassing the cut starting at the mouth of the cut on Deadman's Slough, then northward approximately 250 feet to the confluence of the Harris and Keohough Sloughs.
- 14) The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor Opening of Potter's Lake, Sunset Park, Rock Island and covers the entire Lake area.
- 15) The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, 7/10 mile in length, 150 yards wide, starting on the north at the Chicago and Northwestern R.R. bridge and extending south 7/10 of a mile to the first narrows.
- 16) The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina Harbor area.
- 17) The waters of Frontiers Lake lying upstream from the boat ramp at Charles Boat dock, including the adjacent sand pit harbor area.
- 18) An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.
- 19) An area located approximately at Mississippi River mile 536.6 known as Savanna Slough from the Soo Line railroad bridge north to the north point of the Savanna Park District Island as posted by signs or buoys.

e) The following waters shall be designated as restricted waters as described below:

1) NO BOATS

- A) The swimming area at Martin Park, Loves Park, Illinois.
- B) The swimming area at Albany Beach located in Albany Township.
- C) The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.
- D) The head of Big Island and 1 1/2 miles north of Oquawka, Illinois.
- E) The Boy Scout Camp located on Lake Cooper, Mississippi River.
- F) The waters of the four chutes of Argyle Lake, approximately 2 miles north of Colchester, Illinois.
- G) The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.

2) NO SKI - It shall be unlawful to water ski in the following

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designated waters:

That area of the inside cut of the Mississippi River, opening directly into Frontiers Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: amended 20 Ill. Reg. 15692, effective DEC. 2, 1950)

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- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters

- 2) Code Citation: 17 Ill. Adm. Code 2080

- 3) Section Numbers: Adopted Action:
 2080.10 New Section
 2080.20 New Section
 2080.30 New Section
 2080.40 New Section
 2080.50 New Section
 2080.60 New Section
 2080.70 New Section
 2080.80 New Section
 2080.90 New Section

- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act, 625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3).

- 5) Effective Date of Rulemaking: December 2, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: December 2, 1996

- 9) Notice of Proposal Published in Illinois Register: August 30, 1996, 20 Ill. Reg. 11542

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences(s) between proposal and final version: The titles of these Sections were changed:

2080.70 License and Decal

2080.80 Misuse of License or Decal

2080.90 Suspension and Revocation of Decals and License

Labels in 2080.20 were removed.

Section 2080.20 - General Maintenance, "drydocking" was changed to "dry docking" and the comma following "shaft" was removed.

Section 2080.20 - Independent Certifier, the spelling of "carriage" was corrected, "Rule" was changed to "Part", and "marine inspector" was put in

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lower case letters.

Section 2080.20 - Personal Flotation Device, the acronym "(PFD)" was added and the hyphen following "Guard" was removed.

Section 2080.40(a), "(6)" was removed.

Section 2080.40(b)(1), "drydock" was replaced with "dry dock" in two places.

Section 2080.40(c)(1), "results" was replaced with "result".

Section 2080.40(c)(2), "results" was replaced with "result".

Section 2080.40(d)(1), "drydocked" was replaced with "dry docked" and a comma was added following "lights".

Section 2080.40(d)(5), "these rules" was replaced with "this Part".

Section 2080.40(d)(6), a comma was added following "watercraft".

Section 2080.40(d)(7), "drydocking" was replaced with "dry docking".

Section 2080.40(e)(1), "(6)" was removed.

Section 2080.50(d)(1), the commas following "device" and "size" were removed.

Section 2080.50(d)(1) and (2), the hyphen following "Guard" was removed.

Section 2080.50(d)(2), the comma following "it" was removed.

Section 2080.50(d)(5) and (6), "and shall be" was replaced with "in".

Section 2080.50(d)(7)(C), language was changed to read: "Be marked as required by subsections (d)(5) and (d)(6) of this Section."

Section 2080.50(e)(1) "helmsman" was changed to "helmsman's".

Section 2080.50(e)(3), "extinguisher" was changed to "extinguishers" and the comma following "corrosion" was removed.

Section 2080.50(e)(4), the spelling of "revealed" was corrected.

Section 2080.50(e)(6), language was changed to read: "Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified fire fighting equipment repair service."

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Section 2080.50(f)(1), "(1)" was removed and "sixteen (16)" was replaced with "16".

Section 2080.50(f)(2), semi-colon was changed to a colon.

Section 2080.50(f)(2)(A)(vi), a period was added.

Section 2080.50(f)(2)(B)(vi), quotes were added around "WATDAY, MAYDAY."

Section 2080.50(f)(2)(D)(iv), "Don't" was changed to "Do not".

Section 2080.50(g), "on board" was changed to "onboard".

Section 2080.50(g)(4), "on board" was changed to "onboard" and "1" changed to "one".

Section 2080.50(i)(1), "on board" was changed to "onboard" and "communication" was changed to "communications".

Section 2080.50(i)(2), "on board" was changed to "onboard".

Section 2080.50(j), "(1)" was changed to "one".

Section 2080.50(k)(1), "1" was changed to "one" and "on board" was changed to "onboard".

Section 2080.50(l), spelling of "independent" was corrected.

Section 2080.50(a)(3), "Said" was changed to "The"; a comma was added following "impractical"; "certificate" was changed to "license"; and "on board" was changed to "onboard".

Section 2080.70(a), "drydock" was changed to "dry dock"; the comma following "forward" was removed; "Boating Law Administrator" was replaced with "Department"; and the comma following "report" was removed.

Section 2080.70(b), "certificate" was replaced with "license".

Section 2080.70(c), "certificate" was replaced with "license"; the spelling of "displayed" was corrected; and an apostrophe was added following "operators".

Section 2080.80, "certificate" was changed to "decal".

Section 2080.90(a), "certificate" was changed to "decal".

Section 2080.90(b), "certificate" was changed to "decal".

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Section 2080.90(c) was changed to read as follows: Violations of any other provisions of the Boat Registration and Safety Act (625 ILCS 45), the Fish and Aquatic Life Code (515 ILCS 5), or the Wildlife Code (520 ILCS 5) may also result in suspension or revocation of any decal or license issued by the Department under the provisions of this Part.

Section 2080.90(d), the semi-colon following "made" was changed to a comma; the semi-colon following "hearings" was changed to a comma; and "conducted" was capitalized.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rule sets out methods of computing weight capacity of boats carrying passengers for hire, dry dock inspection requirements for each 5-year inspection, annual dockside inspection requirements for each 5-year inspection, annual dockside inspection requirements, inspections after major accidents, equipment requirements, who may inspect, and what happens if fail to pass inspection. Provides for suspension of license for violations and exempts Coast Guard inspected vessels. Also exempts vessels carrying not more than 6 passengers from drydock inspections.

16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER 1: LAW ENFORCEMENT

PART 2080

OPERATION OF WATERCRAFT CARRYING PASSENGERS
 FOR HIRE ON ILLINOIS WATERS

Section
 2080.10 Introduction
 2080.20 Definitions
 2080.30 Applicability
 2080.40 Dry Dock Inspection
 2080.50 Dockside Inspection
 2080.60 Licensing Requirements
 2080.70 License and Decal
 2080.80 Misuse of License or Decal
 2080.90 Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. **15697**, effective DEC 2, 1956.

Section 2080.10 Introduction

The State of Illinois, Department of Natural Resources, hereby announces the rules and regulations supplementing the provisions of the Boat Registration and Safety Act of 1959 [625 ILCS 45].

Section 2080.20 Definitions

Department - the Department of Natural Resources.

Dockside Inspection - an examination of a watercraft in the water so that all equipment and systems may be inspected.

Dry Dock Inspection - an examination of a watercraft out of the water and supported so all the exterior and interior of the watercraft may be examined.

General Maintenance - dry docking or hauling out of a watercraft for painting or cleaning the hull and rudder, or the changing of a propeller shaft and associated bearings.

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Good Marine Practice and Standards - those methods and ways of maintaining, operating, equipping, repairing and restructuring watercraft as determined by the marine inspector. The marine inspector shall use commonly accepted standards, including 45 CFR Subchapters T, K, K' and H, the standards of the American Boat and Yacht Council, the standards of the American Bureau of Shipping, and other appropriate generally accepted standards as sources of reference.

Independent Certifier - any person who, through his background, experience, or training, is qualified to inspect a vessel for equipment carriage requirements as set forth in this Part, and certify compliance to the Department. Such person may include, but not be limited to, a marine inspector as defined in this Part, or a qualified member of the U.S. Coast Guard Auxiliary, but may not include the owner, anyone related to the owner, or any employee of the vessel being inspected.

Inland Waters - all waters of the State, except navigable waters.

Marine Inspector - a marine surveyor with at least five years experience, or a professional engineer licensed by the Illinois Department of Professional Regulation.

Navigable Waters - those waters of the State over which the State of Illinois and the United States Coast Guard exercise joint jurisdiction, including Lake Michigan, to the upstream limit of navigation as determined by the United States Department of the Army, Corps of Engineers.

Open Boat - a watercraft, either with or without engines or motors, which has its engine, fuel tank compartments, and other spaces, except those enclosed or enclosed, and situated or arranged so as to prevent or preclude the escape of explosive and flammable gases and vapors within the watercraft.

Owner - a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein which entitles him or her to possession. "Owner" also means a person acting on the behalf of the owner in all matters concerning the watercraft.

Personal Flotation Device (PFD) - a United States Coast Guard approved lifesaving device.

State Boating Law Administrator - the Department of Natural Resources law enforcement officer assigned to administer boating statutes and rules for boating safety.

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Suitable - the marine inspector has determined an item is in keeping with good marine practice and standards.

Section 2080.30 Applicability

- a) This Part does not apply to watercraft required to be inspected by the United States Coast Guard, under 46 CFR Subchapters T, K, and H, for the purpose of carrying passengers for hire.
- b) This part shall apply to all other watercraft, as defined in the Act, carrying passengers for hire on waters of this State.

Section 2080.40 Dry Dock Inspection

- a) For watercraft carrying more than six passengers for hire, as defined by the United States Coast Guard, already licensed to carry passengers for hire in the State of Illinois prior to the effective date of this Part, the initial dry dock inspection shall be required as follows:
 - 1) Watercraft having a registration number ending with either 0 or 1 shall be inspected before being licensed in 1977.
 - 2) Watercraft having a registration number ending with either 2 or 3 shall be inspected before being licensed in 1978.
 - 3) Watercraft having a registration number ending with either 4 or 5 shall be inspected before being licensed in 1979.
 - 4) Watercraft having a registration number ending with either 6 or 7 shall be inspected before being licensed in 1980.
 - 5) Watercraft having a registration number ending with either 8 or 9 shall be inspected before being licensed in 1981.
- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the United States Coast Guard in 46 CFR Subchapters T, K, R, and H.
 - 1) Before carrying passengers for hire, a watercraft shall successfully complete a dry dock inspection conducted by a marine inspector. The Department of Natural Resources subsequently require successful completion of a dry dock inspection every 5 years.
 - 2) Before an owner of a watercraft shall remove or replace any equipment, effective, store all associated equipment, including fishing gear, coolers, and personal belongings onboard the watercraft, which could impede the inspection process.
 - 3) The owner of a watercraft shall open or remove all hatches and inspection ports before or during an inspection and shall have the watercraft in a reasonably clean and orderly condition.
 - 4) To determine that a watercraft is seaworthy and in good and serviceable condition, the owner of a vessel shall permit the marine inspector to inspect the entire interior and exterior of the vessel, including all components, machinery, and associated equipment.
 - 5) When the marine inspector has reasonable cause to believe that

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the seaworthiness or the sound structure of the watercraft may be impaired, the owner of the watercraft may be required to make repairs to sections or portions of the lining, decking, ceiling, or other obstructions that may obscure any part of the watercraft so that the seaworthiness or sound structure may be determined.

- c) Watercraft Passenger Capacity: Determinations are not required to have a watercraft that on or near the maximum passenger capacity shall be determined by applying any one of the following criteria which result in the allowance of the greatest number of passengers.
 - A) One passenger per 30 inches of rail space available to passengers at the watercraft's sides and across the transverse deck area.
 - B) One passenger per 10 square feet of deck area available for passenger use. In computing the deck area, the area occupied by concession stands, toilets, and washrooms, companionways, and stairways shall be included.
 - C) One passenger per 18 inches of width of fixed seating provided.
 - D) On vessels that have or are required to have vessel capacity plates, the passenger capacity shall be determined by applying either of the following criteria which result in the allowance of the greatest number of persons without exceeding the capacity plate maximums.
 - A) (Weight capacity - maximum motor and gear weight) / 150 = number of passengers.
 - B) (Boat length X boat beam) / 15 = number of passengers.

- 3) The marine inspector shall calculate the number of passengers which may safely be transported on watercraft carrying passengers for hire. The number shall be set forth on the certificate of inspection. Repairs, and alterations; reports; repair and vessel damage; repairs, and alterations; reports; repair and alteration standards; modification of corrections and repairs; alteration of unseaworthy vessel; modification and inspection exception.
 - 1) When a vessel is involved in an accident causing major physical damage, has structural damage, or is to be hauled out of the water, docked to carry out major repairs or alterations affecting the vessel's seaworthiness, the owner of the vessel shall immediately report to a marine inspector the nature of the damage, repairs, or alterations. Physical damage does not include breakage of glass, lights, or decorations shall be done in accordance with good marine practice and standards and approved by a marine inspector before the repair work is started. Drawings, sketches, or written specifications may be required by the marine inspector depending on the nature and extent of the repairs or alterations to be returned to service.
 - 3) The owner of a vessel shall not allow the vessel to be repaired or returned to service or returned to the water until all repairs or alterations have been completed and the vessel has been

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reinspected and approved by a marine inspector. A marine inspector shall reinspect the watercraft as soon as possible after notification by the owner that the repairs and alterations have been completed.

- 4) When corrections or repairs to the watercraft or associated equipment are required as a result of an inspection by a marine inspector, the owner of the vessel shall notify the marine inspector when the corrections or repairs have been made.

- 5) During the course of an inspection, the marine inspector finds equipment or conditions which are not addressed in this Part and which are unsafe or jeopardize the safety of the passengers (including onboard), the marine inspector shall require that the condition be corrected or the equipment removed from the watercraft.

- 6) When it is determined by the marine inspector that a watercraft, because of its construction or design, or both, is not safe to carry passengers for hire, a certificate of inspection shall not be issued. The owner, if not satisfied with the decision of the Department, may seek relief by requesting a formal hearing as authorized by 17 Ill. Adm. Code 2530, Department Formal Hearings Conducted for Rulemaking and Contested Cases.

- 7) Notification and inspection shall not be required for general maintenance dry docking or hauling out.

e) Inspection Exemptions

- 1) Watercraft carrying not more than six passengers for hire, as defined by the United States Coast Guard in 46 CFR Subchapters T, K, K', and H, shall not be required to be inspected under the provisions of this Section.
- 2) Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

Section 2080.50 Dockside Inspection

a) Annual Inspection

All watercraft subject to this Part shall be inspected annually under the provisions of this Section, except as provided in Section 2080.40 of this Part.

- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the United States Coast Guard in 46 CFR Subchapters T, K, K', and H.

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by a marine inspector and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is being maintained and operated in accordance with good marine practices and standards, and the condition of the vessel structure, equipment and systems are satisfactory for safe and constant operation.

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- c) Main Engine Gauges - Inboard or Inboard/Outboard
 - 1) On vessels designed to be used inboard/outboard (sterndrive) main engines, each of the following gauges shall be present.

- A) A gauge to indicate main engine cooling water temperature for each main engine. A gauge shall be readable from each helm position.
- B) A gauge to indicate main engine lubrication oil pressure for each main engine. A gauge shall be readable from each helm position.

- 2) All gauges installed on a vessel shall be in good and serviceable condition.

d) Personal Flotation Devices

- 1) At least one Coast Guard approved, wearable type personal flotation device of a proper size for each person, including the crew, shall be provided and carried onboard. Each device shall be inspected at the dockside inspection.

- 2) Each wearable type personal flotation device carried aboard the vessel shall have affixed to it, in a suitable manner, 200 square centimeters (31.5 sq. in.) of Coast Guard approved retro-reflective material to the outside of each device and 200 square centimeters (31.5 sq. in.) of Coast Guard approved reflective material to the inside of each device.

- 3) Personal flotation devices shall be stored in suitable locations on board the vessel, readily accessible to the passengers onboard. The locations shall be designed to allow the devices carried to float free when practical.

- 4) When personal flotation devices are carried so that they are readily accessible, but not readily visible to the passengers, the container shall be marked "LIFE PRESERVERS" and the number of devices contained therein shall be listed. The letters and numbers shall be at least 1 inch high and shall be a color contrasting to the color of the container. The container shall also indicate the size of the devices contained therein. Differing sizes shall be separately stored.

- 5) On documented watercraft, all required personal flotation devices shall be marked with the vessel's name in characters at least 1 inch high in a color contrasting to the color of the device.

- 6) On undocumented watercraft, all required personal flotation devices shall be marked with the watercraft's registration number in characters at least 1 inch high in a color contrasting to the color of the device.

- 7) Aboard each watercraft shall be a Type IV personal flotation device, which shall comply with all of the following requirements:
 - A) Be readily accessible in a suitable location.
 - B) Have attached not less than 50 feet of line.
 - C) Be marked as required by subsections (d)(5) and (d)(6) of this Section.

- 8) When the inspector determines that any personal flotation device

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required to be carried on board a vessel is not in good and serviceable condition, the owner of the vessel shall permit the device to be replaced by a new or repaired device of the same type and make as the defective device. The owner of the vessel shall replace the non-serviceable devices immediately and such defective devices shall be replaced prior to further use of the vessel.

e) Fire Fighting Equipment

- 1) A vessel shall be equipped with a U.S. Coast Guard approved portable fire extinguisher which shall be located accessible to helmsman's position.
- 2) All fire extinguishers shall be examined monthly to make certain that they have not been tampered with and have not suffered corrosion or damage.
- 3) All foam extinguishers shall be discharged, cleaned, and inspected for mechanical defects or serious corrosion and replaced annually.
- 4) All dry chemical extinguishers shall be kept full with the specified weight of chemical at all times. The cartridge shall be reweighed annually. It shall be recharged if the cartridge is found to weigh less than the minimum weight stamped thereon, or when the pressure is below prescribed operating limits.
- 5) All carbon dioxide extinguishers shall be reweighed annually, and a cylinder found lighter than the weight indicated on the name plate shall be recharged.
- 6) Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified fire fighting equipment repair service.

f) First Aid Kit and Emergency Procedures List

- 1) A minimum of one first aid kit containing at least 16 units shall be provided and maintained onboard the watercraft; the vessel in which the kit is provided shall be provided the vessel in a conspicuous location. The list shall set forth, at a minimum, all of the following informational items:
 - A) Radio procedure (if a marine radio is required under subsection (i))
 - i) Switch to Channel 16;
 - ii) Call the Coast Guard;
 - iii) Give boat name, registration number, radio call sign;
 - iv) Identify the boat size, description, and color;
 - v) Give your location or compass heading to a known point; and
 - vi) Describe the emergency.
 - B) Leaks or Damage Control
 - i) Put on life jackets (FPD), open deck hatches, look for leaks;
 - ii) Start bilge pump, get manual pumps or buckets;
 - iii) Shut off engine only if leak may be from engine hoses;

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- iv) If hull is damaged and engine is inboard (not stern drive), shut off engine, close sea cock, disconnect hose at hose, place end in bilge, restart engine to act as bilge pump.

C) Fire or Explosion

- i) Be ready to go overboard with personal flotation device (life jacket);
- ii) Reduce air to fire area - leave hatches closed, close doors, shut off electric supply;
- iii) Use extinguisher, if possible;
- iv) Jettison burning material, if possible;
- v) Use radio procedure above, calling "MAYDAY, MAYDAY, MAYDAY";
- vi) Prepare to abandon ship, get signal flares or flags, throw flotation material overboard;
- vii) If you abandon ship, stay together, use distress signals when help is in sight, gather additional flotation material around you.

D) Man Overboard

- i) Shout "MAN OVERBOARD" - continuously watch person in the water, point direction so skipper can maneuver to retrieve;
- ii) Stop engine (propeller rotation) if person overboard is near the boat;
- iii) Throw life ring, seat cushion, or marker light in the area of the person;
- iv) Do not jump into the water to assist.

9) Visual Distress Signals

- 1) A vessel which operates on navigable waters of this State, Carrylie Lake, Lake Shelbyville, or Rend Lake shall have onboard the appropriate number and type of U.S. Coast Guard approved visual distress signals as required for that vessel if it were operating in international waters.
- 2) All pyrotechnic aerial red flares and pyrotechnic hand-held or floating orange smoke shall be U.S. Coast Guard approved and shall not have passed the expiration date printed on the device.
- 3) A person shall not display a visual distress signal on the waters of the State, except in an emergency.
- 4) A vessel shall have onboard at least one portable battery-operated light (flashlight), powered by D-cells or larger size batteries, which is in good and serviceable condition and readily accessible.
- h) Cooking and Heating Appliances
 - 1) Cooking appliances aboard a watercraft shall be operated only by the owner, the operator, or a crew member.
 - 2) Cooking and heating appliances, when present on a watercraft, shall be of a type commonly manufactured for use aboard watercraft.

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- 3) Cooking and heating appliances, when present on a watercraft, shall be installed in adequately ventilated areas and shall be secured to the vessel.
- i) Marine Radio and Compass
 - 1) A vessel which operates on the navigable waters of this State shall have onboard a marine band radio which is in good working condition, and a compass which is in good working condition. Both shall be registered in the State of Illinois and Federal Communications Commission radio license for that vessel.
 - 2) A vessel which operates on the navigable waters of this State shall have onboard a suitable marine-type compass which is in good and serviceable condition.
- j) Toilet and Sanitary Facilities
 - 1) All watercraft, except open boats and watercraft where suitable privacy enclosures are not practical, shall be equipped with one marine toilet. The toilet shall be connected to a permanently installed holding tank, which allows for dockside pumpout at approved sanitary disposal facilities.
 - 2) The use of y valves or other means which would allow for overboard discharge directly or indirectly into the waters of the State is prohibited.
 - 3) Marine toilets shall be maintained in a serviceable and sanitary condition.
- k) Anchor and Mooring Line
 - 1) A vessel shall be equipped with one anchor of a suitable size and type, and an appropriate length of suitable anchor line which is readily available onboard the vessel, except that a vessel operating on the waters of Lake Michigan shall be equipped with not less than 150 feet of suitable anchor line.
 - 2) Any line, when attached to the required anchor, shall be attached by eyesplice, thimble, and shackles.
- l) Inspection Procedures for Watercraft Carrying Not More Than Six Passengers, as defined by the United States Coast Guard

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by an independent certifier and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is in compliance with subsections (d) through (k).
- m) Inspection Exemption

Watercraft registered in another state which have been inspected and certified in compliance with the provisions of this Section.

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
 - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation

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- of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR Subchapters T, K, K', and H.
- 2) Licensed operators shall only be authorized to operate vessels designated by the license, and on bodies of water so designated on the license.
- 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- b) Tollage
 - 1) No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

Section 2080.70 License and Decal

- a) Upon satisfactory completion of the required dry dock and annual dockside inspections, the owner shall forward to the Department the original marine inspection report on the form provided by the Department, along with an application for a "Passengers for Hire" license. The Department shall issue a "Passengers for Hire" license which shall expire on May 31 of the following year, except that the Department may extend the expiration date for a period not to exceed 30 days when extreme weather conditions exist.
- b) The "Passengers for Hire" license shall be framed under transparent material and posted in a conspicuous place on the vessel. Where posting is impractical, the license shall be kept onboard to be shown on demand.
- c) The Department shall issue one expiration validation decal with each license. The decal shall be prominently displayed upon the side of the watercraft as close to the operators' position as possible, per instructions provided by the Department.

Section 2080.80 Misuse of License or Decal

No person shall loan, borrow, transfer or otherwise falsify any license or decal issued by the State of Illinois or the United States Coast Guard.

Section 2080.90 Suspension and Revocation of Decals and Licenses

- a) Violations of any provisions of this Part may result in suspension of any decal or license issued by the Department under the provisions of this Part for a period not to exceed 90 days.
- b) Suspension of any decal or license issued by the Department under the provisions of this Part shall result in revocation of any decal or license issued by the Department under the provisions of this Part for a period not less than 5 years.
- c) Violations of any other provisions of the Boat Registration and Safety Act [625 ILCS 45], the Fish and Aquatic Life Code [515 ILCS 5], or the

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Wildlife Code [520 ILCS 5] may also result in suspension or revocation of any decal or license issued by the Department under the provisions of this Part.

- d) The procedure by which suspensions and revocations are made, the notice to licensees, and the procedures for appeals, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2350 (Rules Governing Department Formal Hearings Conducted For Rule-Making and Contested Cases).

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- 1) Heading of the Part: Hospital Reimbursement Changes

- 2) Code Citation: 89 Ill. Adm. Code 152

- 3) Section Numbers: Adopted Action:
152.150 Amendment
152.200 Amendment
152.250 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Effective Date of Amendments: November 27, 1996

- 6) Does this rulemaking contain an automatic re-eval date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: November 27, 1996

- 9) Notice of Proposal Published in Illinois Register: July 12, 1996 (20 Ill. Reg. 8932)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Differences between proposal and final version: The following changes have been made in the text of the proposed rulemaking during the public comment period.

Section 152.250

In subsection (d)(2), new language has been added after the first sentence, as follows: "Reasonable access may vary according to geographic location and/or types of care."

In subsection (d)(3)(A), "89 Ill. Adm. Code" preceding "148.120(k)(5)" has been underlined.

In subsection (d)(4), the comma after "three periods" has been changed to a semicolon.

In the opening statement of subsection (d)(4)(A), "and that" has been added after "50 percent," and "the statement" has been added after "or 149.50(c)(4)."

In the first complete sentence of subsection (d)(4)(A), "(d)(4)(A)" has been added after "under this subsection" and "State fiscal year" has been changed to "State fiscal years".

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In the third sentence of subsection (d)(4)(A), "principals" has been changed to "principles".

In the opening statement of subsection (d)(4)(B), a comma has been added after "subsection (f)(4) below" and "the statement" has been added after "greater than four percent,".

In the first complete sentence of subsection (d)(4)(B), "(d)(4)(B)" has been added after "qualifying under this subsection".

In the second sentence of subsection (f)(6), "paragraph" has been stricken and replaced by "subsection (f)(6)".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments are necessary to amend the State's fiscal year 1997 budget plan. The Department will continue to reimburse hospitals for inpatient and outpatient services rendered through June 30, 1997, according to reimbursement levels calculated for each hospital that were in effect on July 1, 1995.

The Department is also making substantive revisions to the rate appeal process found in Section 152.250. The hospital rate appeal process was designed to ensure the financial integrity of hospitals committed to serving the Medicaid population. Despite this process, two hospitals that qualified for, and received hardship appeal payments, closed in fiscal year 1996. These changes are intended to make the rate appeal process more responsive by creating the potential for more hospitals deemed critical to the Medicaid Program (under the program known as CHAP (Critical Hospital Adjustment Payments)) to maintain participation in the Program.

It is anticipated that the continuance of fiscal year 1996 hospital rates will either increase or decrease hospital expenditures in fiscal year 1997 as compared to fiscal year 1996 expenditures. However, without this extension of the rate maintenance provisions, expenditures would have increased significantly.

16) Information and questions regarding these Adopted Amendments shall be directed to:

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Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 99. SOCIAL SERVICES
CHAPTER 1. DEPARTMENT OF PUBLIC AID
SUBCHAPTER c. GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152-110 Reimbursement Add-on Adjustments (Repealed)

152-150 Diagnosis Related Grouping (DRG) Prospective System (PPS)

152-200 Non-DRG Reimbursement Methodologies

152-250 Appeals

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2213/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective NOV 27 1996.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

- Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in this Section shall be effective January 18, 1994.
- For the rate periods described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- Payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1997.
- For hospital inpatient services rendered on or after July 1, 1995, and prior to July 1, 1997, the Department shall reimburse hospitals

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using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.

- This Section shall be automatically repealed effective June 30, 1997.

(Source: Amended at 20 Ill. Reg. 15712, effective NOV 27 1996.)

Section 152.200 Non-DRG Reimbursement Methodologies

- Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in this Section will be effective January 18, 1994.
- All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994 less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect until June 30, 1997.

- This Section shall be automatically repealed effective June 30, 1997.

(Source: Amended at 20 Ill. Reg. 15712, effective NOV 27 1996.)

Section 152.250 Appeals

- Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department on or before July 31, 1996. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional documentation within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.
- Non-appealable costs. The following costs are non-appealable: reimbursement for medical education; and other costs for which reimbursement is not appealable.
- Appeal documentation.

- The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing

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- officer has personally examined the documentation and that the information is true, correct, and complete.
- 2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.
 - 3) The hospital must submit a copy of its last three two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external, independent certified public accountant is also required. If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The financial relief certificate may be submitted only after the hospital has submitted the financial relief certificate under Section 152.250(d)(4)(a) or (b) must submit copies of all relevant audited financial statements its last three or five audited financial statements depending upon the qualification option chosen.
 - 4) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must meet all of the following criteria:
 - 1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing long-term Medicaid patients with the same level of care as the hospital demonstrates that it is in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.
 - 2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals. Reasonable access may vary according to geographic location and/or types of care. Reasonable access exists if most individuals served by the hospital seeking financial relief receive inpatient hospital care within a 30-minute travel time at total cost which is less to the Department than the costs which would be incurred at the hospital seeking financial relief.
 - 3) The financial ratio of current assets to current liabilities

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- reflected on the cash position statement described in subsection (c)(2) above must reflect a ratio of current assets to current liabilities that is less than or equal to 1.0. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(1) of this Section. If:
- A) the hospital's Hospitals--whose Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code Section 148.120(k)(5), is greater than 50 percent, and it is not a hospital as described in 89 Ill. Adm. Code 148.25(b)(1)(A) or 148.120(a)(5), or 89 Ill. Adm. Code 149.50(c)(1) or 149.50(c)(4), or
 - B) the hospital qualified for Critical Hospital Adjustment Payments (CHAP) under 89 Ill. Adm. Code 148.295 in State fiscal year 1996, it has a Medicaid utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), that is greater than 50 percent, and it is not a hospital as described in subsection (f)(1) below, the utilization rate as defined in subsection (f)(4) below that is greater than 70 percent, and it has an uncompensated care percent, as described in subsection (f)(6), that is greater than four percent and whose average length-of-stay under State--fiscal year--1994 was less than 40 days, may exclude Medicaid accounts receivables from this--enrollment and--define--funded--depreciation as--a restricted fund--under subsection (f)(5) of this Section.
- 4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the three periods; however:
 - A) for a hospital whose most recent net loss in each of the two periods if the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), is greater than 50 percent, and that is not a hospital as described in 89 Ill. Adm. Code 148.25(b)(1)(A) or 149.50(c)(1) or 89 Ill. Adm. Code 149.50(c)(4), or
 - B) for a hospital whose most recent net loss in each of the two periods if the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), is greater than 50 percent, and that is not a hospital as described in 89 Ill. Adm. Code 148.25(b)(1)(A) or 149.50(c)(1) or 89 Ill. Adm. Code 149.50(c)(4), the statement must reflect a net loss in three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(A) may exclude 2.5 percent of their net operating revenue and payments made for hardship relief granted pursuant to Part 152 during State fiscal years 1995 and 1996 from this calculation. Hospitals whose fiscal year ends on or no later than six months prior to June 30, 1996, may submit a preliminary financial statement for the hospital's fiscal year ending June 30, 1996, or a period no less than six months between the end of its fiscal year and June 30, 1996. This preliminary financial statement must utilize generally accepted accounting principles and be accompanied with an attestation signed by the hospital's Chief Executive Officer and Chief Financial Officer, to the

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accuracy and validity of such statement. In addition, hospitals owned by a Federally Qualified Health Center (FQHC) may exclude Federal Section 330 grant revenue from this calculation, or

- B) for hospitals that qualified for Critical Hospital Adjustment Payments under 89 Ill. Adm. Code 148.225 in State fiscal year 1996, whose Medicaid utilization rate, as described in 89 Ill. Adm. Code 148.120(k)(15), was greater than 40 percent, whose combined Medicaid/Medicare utilization rate, as described in subsection (f)(4) below, was greater than 70 percent, and whose uncompensated care percent, as described in subsection (f)(16) below, was greater than 40 percent, the statement shall include the loss in two out of the last six periods or eight out of the last three out of the last six periods. Hospitals qualifying under this subsection (d)(4)(B) may, in addition to the deductions and the ability to submit preliminary financial statements, as identified under subsection (d)(4)(A) above, deduct revenue derived from a FQHC clinic that is physically located on the immediate hospital campus must reflect a net loss in two out of the last three periods-hospitals-owned by a Federally Qualified Health Center-(f)(9)(b)-may exclude Federal Section 330 grant revenue from this calculation, or reflect a net loss in three out of the last five periods with an aggregate loss over the five-year-period-if the hospital's Medicaid-inpatient utilization rate-as defined in 89 Ill. Adm. Code 148.120(k)(15)-is greater than 50 percent, and its Medicare-inpatient utilization rate-as defined in 89 Ill. Adm. Code 148.120(k)(15)-is greater than 50 percent, and its combined Medicare/Medicaid utilization rate-as defined in subsection (f)(4) below, is greater than 70 percent, and it has an uncompensated

- 5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than or equal to 1.4 to 1. However, when determining such ratios a hospital may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section, if:
- the hospital's Hospitals-whose Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(15), is greater than 50 percent, and it is not a hospital as described in 89 Ill. Adm. Code 148.225(b)(1)(A) or 148.225(b)(1)(B), or 89 Ill. Adm. Code 149.500(c)(1) or 149.500(c)(2),

- B) for hospitals that qualified for Critical Hospital Adjustment Payments (CHAP) under 89 Ill. Adm. Code 148.225 in State fiscal year 1996, and it has a Medicaid utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(15), that is greater than 40 percent, and it has a combined Medicaid/Medicare utilization rate, as defined in subsection (f)(4) below, that is greater than 70 percent, and it has an uncompensated

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Care percent, as described in subsection (f)(6) below, that is greater than four percent and its average length of stay during State fiscal year 1997, was less than 20 days, may exclude Medicaid accounts receivable from this calculation and define funded depreciation as a restricted fund under subsection (f)(7) of this Section.

- e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

- f) Definitions. For purposes of this Section, unless the context requires otherwise:

- "Current assets" must follow Generally Accepted Accounting Principles except for this purpose all unrestricted investments must be included.
- "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.
- "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.
- "Medicaid/Medicare Utilization Rate" means the Medicaid inpatient utilization rate, as described in 89 Ill. Adm. Code 148.120(k)(15), and the Medicare inpatient utilization rate, as described in 89 Ill. Adm. Code 148.120(k)(15)(A), of which the Medicare inpatient utilization rate is a calculation of which the numerator is the number of hospital Medicare inpatient days provided in the base fiscal year described in 89 Ill. Adm. Code 148.120(k)(1), as reported on the Medicare cost report (HCFA 2552) and the denominator of which is the total number of hospital inpatient days in that same period as reported on the Medicare cost report (HCFA 2552).
- "Ratio of current assets to current liabilities" means current assets divided by current liabilities, as defined above.
- "Uncompensated Care Utilization Rate" means a fraction of which the numerator is the hospital's uncompensated care charges provided in the twelve month period, as described in 89 Ill. Adm. Code 148.150(b)(3), and the denominator of which is the hospital's total charges, as described in 89 Ill. Adm. Code 148.150(b)(2), in that same base year, as described in 89 Ill. Adm. Code 148.150(b)(3). In this subsection (f)(6), the term uncompensated care charges shall include, in addition to its

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usual definition, charges for services reimbursable by the Department under the Transitional Assistance Program and the Family and Children Assistance Program, formerly known as General Assistance (Article VII).

7) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Will funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis unless otherwise provided for and the provisions noted in Section 148.290(d)(1), (d)(4)(B) and (d)(5).

g) Nothing in the above provisions shall preclude the Director of the Department of Public Aid from making mid-year adjustments to the hospital's bad debt payments made under this Section.

h) This Section shall be automatically repealed effective June 30, 1997.

(Source: Amended at 20 Ill. Reg. 15712, effective July 2, 1997.)

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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Adopted Action:
148.82 Amendment
148.140 Amendment
148.160 Amendment
148.285 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: November 27, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 27, 1996

9) Notice of Proposal Published in Illinois Register: July 12, 1996 [20 Ill. Reg. 8934]

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between Proposal and final version: Several changes have been made to the proposed rulemaking during the public comment period.

Section 148.82

Subsection (g)(13) has been revised to read:

Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).

Section 148.285

In the introductory statement and subsection (a), "House Bill 22" has been changed to "Public Act 89-506".

In the first line of subsection (a), "the" has been added after "accounts within".

In subsection (b), "fund" has been changed to "Fund".

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In the first sentence of subsection (c) the word "and" after "Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital" has been deleted.

In the last sentence of subsection (c), the comma after "Springfield" has been deleted.

In the second sentence of subsection (d), both occurrences of "qualified programs" have been changed to "Qualified Programs".

In subsection (f), the word "for" after "shall be eligible for payments" has been changed to "from".

The first sentence of subsection (g) has been changed to read, "The rate period for payments made under this Section shall be the 12 month period beginning July 1, 1996."

In subsection (h), "preceding" has been changed to "preceding".

In subsection (j)(1), "college or university" has been changed to "college or university".

In the last sentence of subsection (j)(2), a comma has been added after "Academic Medical Center Hospital".

At the end of subsection (j)(5), the semicolon after "State fiscal year" has been changed to a comma.

In subsection (j)(7), "qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital" has been changed to "Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital" and "Qualified Non-Chicago Metropolitan Statistical Area Academic Medical Center Hospital" has been changed to "Qualified Non-Chicago Metropolitan Statistical Area Academic Medical Center Hospital".

In subsection (j)(8)(A), "thoracic transplantation" has been changed to "thoracic transplantation".

In subsection (j)(8)(H), "Pet" has been changed to "PDT".

In subsection (j)(8)(I), "particular" has been changed to "particularly".

Subsection (j)(8)(O) has been changed to read, "Pediatric organ transplantation; transplantation of solid organs and marrow and other stem cells."

No other changes have been made in the text of the proposed amendments.

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12) Have all the changes aired upon by the agency and JCPR been made as indicated in the amendment letter issued by JCPR? Yes

13) Will these amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
148-295	Amendment	September 13, 1996 (20 Ill. Reg. 12330)

15) Summary and Purpose of Amendments: These amendments concerning the Department's reimbursement methodologies for hospital services are being adopted in conjunction with the State's budget plan for fiscal year 1997.

In Section 148-82, Organ Transplant Services, a correction is being made concerning payment adjustments for transplantation services. Language in subsection (g)(3) has been revised to specify the use of applicable Medicaid High Volume adjustments.

In Sections 148-140 and 148-160, the sunset dates are being eliminated for the reimbursement of inpatient, outpatient and county provider adjustments, for county-owned hospitals in Illinois counties with populations over three million. These changes are expected to result in the maintenance of fiscal year 1997 annual aggregate expenditures at fiscal year 1996 levels.

New Section 148-285 is being adopted to provide recognition and payments for excellence in academic medicine. This new reimbursement methodology allows for the distribution of funds created under the Excellence in Academic Medicine Act, the Post-Tertiary Clinical Services Fund and the Medical Research and Development Fund. The purpose of these funds is to support continued efforts to enhance access to medical services at high quality medical centers for Medicaid eligible recipients. This new program is expected to increase annual aggregate expenditures by \$6.8 million.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

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The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

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148.25	General Requirements	
148.30	Special Requirements	
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148.80	Organ Transplant Services	
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148.150	Payment Methodology For County-Owned Hospitals in a County with a Population of Over Three Million	
148.160	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act	
148.170	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Hospital Act	
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148.210	Pre September 1, 1991 Admissions	
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148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements	
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148.270	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements	
148.280	Excellence in Academic Medicine Payments	
148.285		

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transplant outcome, and complications (including cause of death, if applicable) for all transplants performed for the two years preceding the date of the application. To protect the privacy of patients included in this report, names of Medicaid and non-Medicaid patients are not required.

- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients, even if no hospital formally certified by the Department is able to provide a transplant set forth in subsection (b) above within the time frame necessary to preserve the recipient's health. The Department shall review a request for approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.

Certification Criteria

- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is capable of providing all necessary medical care required by the transplant patient;
 - B) The hospital is affiliated with an academic health center;
 - C) The hospital has had the transplant program for heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases before that for adult heart and liver transplants;
 - D) The hospital has had the transplant program for heart/lung and lung transplant in operation for at least three years with 12 transplant procedures per year for the past two years and ten cases before that for adult heart/lung and lung transplants;
 - E) A hospital specializing in pediatric heart/lung and transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures before that;
 - F) The hospital has had the transplant program for adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
 - G) A hospital specializing in pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures before that;
 - H) The hospital has had the transplant program in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases before that for kidney transplants, and five transplant procedures per year for the

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past two years and five before that for pancreas transplants, or 12 transplant procedures per year for the past two years and 12 before that for kidney/pancreas transplants;

- 1) The hospital has experts, on staff, in the fields of cardiology, pulmonology, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
- 3) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac transplantations performed and open heart procedures per year for heart transplant candidates;
- 4) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation;
- 5) The hospital complies with applicable State and federal laws and regulations;
- 6) The hospital participates in a recognized national donor procurement program, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
- 7) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation;
- 8) The hospital has blood bank support necessary to meet the demands of a certified transplant center; and
- 9) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
 - i) A one-year survival rate of 50 percent for bone marrow transplant patients;
 - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
 - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
 - iv) A one-year survival rate of 30 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant patients;
 - v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patients.
- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial.

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resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must demonstrate that:

- A) Hospital teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;
- B) The hospital safeguards the rights and privacy of patients;
- C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
- 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.
- e) Recertification
 - 1) The department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
 - 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
 - 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.
- f) Notification of Transplant
 - 1) The hospital must notify the Department prior to performance of a transplant procedure. The notification letter must be from a physician on the transplant team.
 - 2) The notification must include the admission diagnosis and pre-transplant diagnosis.
 - 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate "patient tracking" forms to the hospital.
- g) Reimbursement
 - 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplant patients covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a minimum of 60 percent of the hospital's usual and customary

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charges to the general public for the same procedure for the number of days listed below for specific types of transplants:

- A) Three days of pre-operative inpatient work-up and
 - B) A maximum 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
 - C) 30 consecutive days of inpatient care for liver transplant; or
 - D) 50 consecutive days of inpatient care for bone marrow transplant; or
 - E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim.
- 3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable inpatient-payment Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d). The Department will not charge patient and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.
- 5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.
- h) Reporting Requirements of Certified Transplant Center
The following documentation must be submitted within the time limits set forth in this subsection.
- 1) Patient Tracking
 - A) The center must submit annually a statistical summary including information for all patients having received transplants at the transplant center. Patients not covered by Medicaid may be identified by the hospital, but only after the patient is identified by the hospital to protect patient confidentiality. The summary must include, but is not limited to, short and long term outcome on all patients.
 - B) The discharge summary for each Medicaid patient must be received by the Department within 30 days of the patient's discharge.
 - C) The annual outcome summaries for each Medicaid patient must be received by the Department within 30 days of the annual patient post-transplant evaluation.
 - D) For those Medicaid patients who expire, a summary must be received by the Department within 30 days of the patient's death.

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2) Notification of Changes

The center must notify the Department within 30 days of any changes in its program, including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended 20 Ill. Reg. **15722**, effective **NOV 27 1996**)

Section 148.140 Hospital Outpatient and Clinic Services

a) Fee-For-Service Reimbursement

1) Reimbursement for hospital outpatient and hospital-based clinic services shall be made on a fee for service basis, except for certain services as described in subsection (b) of this Section.

A) Those services that meet the definition of the term "Ambulatory Care Program" as described in subsection (b) of this Section, which shall be reimbursed in accordance with subsections (b)(4) and (b)(6) of this Section, and adjusted in accordance with subsection (b)(8) of this Section;

B) ESRDT services, as described in subsection (c) of this Section, which shall be reimbursed in accordance with subsection (c) of this Section; and

C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 148.25(b)(5)(D) and Section 148.25(b)(5)(D), which shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b).

2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the hospital's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the services billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (a)(2) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this may be adjusted on the first day of July of each year if the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be

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calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

4) Maternal and Child Health Program Healthy-Moms/Healthy-Kids rates as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B), and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C).

Maternal and Child Health Program Healthy-Moms/Healthy-Kids rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned

Maternal and Child Health Program Healthy-Moms/Healthy-Kids program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

7) With the exception of the retrospective adjustment described in subsection (a)(3) above, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Hospital Ambulatory Care Program Department liberalized the list of allowable ambulatory procedures to add many surgical, diagnostic and highly technical procedures that can be performed and remain in an ambulatory basis.

1) Hospital Ambulatory Care Groupings Under the Hospital Ambulatory Care Program, a Hospital Ambulatory Care list was developed that defines those technical procedures that require the use of the hospital outpatient or hospital-based clinic setting, its technical staff and/or equipment. These procedures were separated into four separate groupings based upon the complexity and historical costs of the procedures. The four separate groupings are as follows:

A) Group I procedures are high level technology surgeries that consume many hospital resources and are costly to deliver.

B) Group II procedures are certain nonsurgical, very high level technology services recognized and approved by the Department as safe outpatient procedures.

C) Group III procedures are other surgical, specialized cardiac

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- and diagnostic procedures.
- D) Group IV procedures are specialized treatment procedures, observation services, high risk, and emergency room services.
- 2) Hospital Ambulatory Care List Updating
The Hospital Ambulatory Care List is updated periodically. As technology changes, so do the procedures that fall into the four categories. In addition, annual changes in the ICD-9-CM procedure codes and their meaning necessitate annual changes to the Hospital Ambulatory Care List.
- 3) Hospital Ambulatory Care Reimbursement Prior to July 1, 1995
Reimbursement for Hospital Ambulatory Care procedures was initially developed in 1986. For each of the four groupings identified in subsection (b)(1) above, a set rate maximums were developed based upon the complexity of the procedures, historical costs, and teaching status of the hospital, the type of hospital, and the setting in which the procedure would most likely be performed (i.e., outpatient department, general clinic department, psychiatric clinic department, or physical rehabilitation clinic department). These set rate maximums have been periodically adjusted since 1986 based upon the above factors. Reimbursement for Hospital Ambulatory Care procedures performed prior to July 1, 1995, shall be reimbursed in accordance with the set rates and maximums. Rules governing the Care Reimbursement Effective July 1, 1995
Effective July 1, 1995, reimbursement for Hospital Ambulatory Care procedures shall be as follows:
- A) With respect to Group I procedures described in subsection (b)(1)(A) above, reimbursement shall be at the lesser of charges or the hospital's alternate reimbursement rate, as defined in Section 148.270(a), equivalent to the rate of a one-day inpatient stay.
- B) With respect to Group II procedures described in subsection (b)(1)(B) above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the facility is classified as:
- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or
- ii) A hospital defined in Section 148.25(b).
- C) With respect to the Group III procedures described in subsection (b)(1)(C) above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:
- i) A hospital defined in Section 148.25(b)(2)(A) through

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- (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or
- ii) A hospital defined in Section 148.25(b).
- D) With respect to the Group IV procedures described in subsection (b)(1)(D) above, reimbursement shall be at the lesser of charges or one of six separate rate maximums depending upon whether the hospital is defined in:
- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or
- ii) A hospital defined in Section 148.25(b); and
- iii) Whether the service is provided in the outpatient, general clinic, psychiatric clinic, or rehabilitation clinic department.
- 5) County Facility Outpatient Adjustment
A) Effective for services provided on or after July 1, 1995, a county of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with per-the-rate-year July 1, 1995, through June-30-1996, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the quotient derived when the adjusted base year hospital outpatient payment difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
- ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
- ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for

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the upcoming rate year.

- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

6) No Year-End Reconciliation

- 6) With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under subsection (b).

7) Rate Adjustments

- 7) With respect to those hospitals described in Sections 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows: (i) above

A) The reimbursement rates described in subsection (b)(4) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

- 9) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at Department reimbursement rates, as follows:

- 1) 148.40(c)(1), The Department shall reimburse hospitals pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
- 2) For outpatient services or home dialysis treatments provided pursuant to Sections 148.40(c)(2) or 148.40(c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate

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which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate shall be the rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 495-p336 (1994).

- 3) Payment for monitoring services for services which are provided during outpatient or home dialysis treatment pursuant to Sections 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

- 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.404.

- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) above, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

- 7) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital Based Clinic Reimbursement

- 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as Maternal and Child Health Program Healthy Home/Healthy-Kids Managed Care clinics, as described in 89 Ill. Adm. Code 140.461(f), shall be on an all-inclusive per encounter rate basis as follows:

- A) Base rate. The per encounter base rate shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

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ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) above, shall be multiplied by the "allowable overhead rate factor" to calculate the overhead cost per encounter.

iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) above, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) above, to determine the per encounter base rate.

iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) above, shall be the per encounter base rate.

B) Supplemental Rate

i) The supplemental service cost shall be divided by the direct supplemental service cost to determine the direct supplemental service cost per encounter.

ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.

iii) The quotient derived in subsection (d)(1)(B)(i) above, shall be added to the product derived in subsection (d)(1)(B)(ii) above, to determine the per encounter supplemental rate.

iv) The resulting sum, as described in subsection (d)(1)(B)(iii) above, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv), shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv), to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) above, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) above, shall be adjusted in accordance with subsection (d)(2) below.

2) Rate Adjustments
Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) above, shall be calculated as follows:

A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the most recent annual Medicaid cost report. The per diem cost of inpatient hospital services shall be calculated by

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dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the end of the facility's fiscal year. If the facility is unable to submit its cost report, the reimbursement calculation is made to the reimbursement available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

4) The hospitals' base year operating costs shall be contained in the hospitals' audited cost reports (see 42 CFR 447.260 and 447.265 (1982)) for hospital fiscal years ending between 20 and 31 months prior to the fiscal year for which rates are being set. The hospitals' base year capital related costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above. Direct medical education costs shall be derived from the audited cost reports used for operating costs in subsection (b)(1) above. The base year cost per diem shall be the sum of the operating cost per diem, capital related cost per diem and medical education cost per diem defined in subsections (b)(1) through (b)(3).

5) New hospitals, for which a base year cost report is not on file, will be reimbursed the per diem rate calculated in subsection

(Source: MSB 92-1936 20 Ill. Reg. 15722 effective

Section 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million

a) Reimbursement Methodology

In accordance with 89 Ill. Adm. Code 149.50(c)(8), county-owned hospitals in an Illinois county with a population greater than three million are excluded from the DRG PFS and are reimbursed in accordance with this section.

b) Yr. Costs

1) The hospitals' base year operating costs shall be contained in the hospitals' audited cost reports (see 42 CFR 447.260 and 447.265 (1982)) for hospital fiscal years ending between 20 and 31 months prior to the fiscal year for which rates are being set.

2) The hospitals' base year capital related costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above. Direct medical education costs shall be derived from the audited cost reports used for operating costs in subsection (b)(1) above. The base year cost per diem shall be the sum of the operating cost per diem, capital related cost per diem and medical education cost per diem defined in subsections (b)(1) through (b)(3).

3) New hospitals, for which a base year cost report is not on file, will be reimbursed the per diem rate calculated in subsection

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NOTICE OF ADOPTED AMENDMENTS

the base period.

- i) The payments made under this subsection shall be made on a quarterly basis.

B) County Provider Critical-Inpatient Adjustment Definitions.

i) "Base Period" means State fiscal year 1994 for critical-inpatient-adjustments--estimated--and-paid during State-fiscal-year-1996.

ii) "Medicaid Inpatient Services" means hospital inpatient services provided in the base period, which are subsequently adjudicated by the Department through the last day of June, 1995 preceding the rate year-and-contained-within-the-Department's-paid-claims data-base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover days.

4) Hospitals reimbursed under this Section shall receive supplemental inpatient payments for critical-inpatient admissions on or after July 1, 1992, for the base period. Supplemental inpatient payments for hospitals under this Section shall be calculated by multiplying the sum of the base year cost per diem, as described in subsection (b)(4) above, as adjusted for restructuring, as described in subsection (c) above, and as adjusted for inflation, as described in subsection (d) above, and the sum of the calculated disproportionate share and Medicaid percentage per diem payments as described in Section 148.120 and subsection (f)(2) above, by the hospitals' percentage for the period of August 1, 1992, through July 31, 1992, effective July 1, 1995, the supplemental inpatient payments calculated under this subsection shall be no less than the supplemental inpatient rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992, and on the first day of July of each year thereafter, by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report, obtained by dividing the total allowable hospital services payment by the total allowable Medicaid days. The supplemental inpatient payment shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- g) Outlier Adjustments
Outlier adjustments to payment amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130.
h) Trauma Center Adjustments. Trauma center adjustments shall be made in accordance with Section 148.290(c).
i) Reductions to Total Payments

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- i) Copayments. Copayments are assessed under all medical programs administered by the Department except the Family and Children Assistance Program, formerly known as the Home Health Assistance Program, and shall be assessed in accordance with Section 148.290(f)(2) shall apply.

ii) Preparation and Utilization Review
Prepayment and utilization review requirements shall be in accordance with Section 148.240.

k) Cost Reporting Requirements
Cost reporting requirements shall be in accordance with Section 148.210.

(Source: Amended at 20 Ill. Reg. 15722, effective NOV 27 1996)

Section 148.285 Excellence in Academic Medicine Payments

In accordance with Public Act 89-506, payments for certain hospitals providing graduate medical education shall be made for inpatient admissions occurring on or after July 1, 1996, as follows:

- a) Subject to the availability of funds from the accounts within the Hospital Endowment Fund, the Department shall make payments to hospitals including any federal financial participation reimbursed for payments under this subsection (all payments shall be made to hospitals under the following criteria:

1) Each Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital shall receive a percentage of the amount available from the National Institutes of Health Account, equal to that hospital's percentage of the total contracted payments from the National Institutes of Health to the National Institutes of Health to the Chicago Metropolitan Statistical Area Academic Medical Center Hospitals and their affiliated medical schools during the preceding calendar year as reported to the Department.

2) Each Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital shall receive payment from the Philanthropic Medical Research Account equal to 25 percent of all funded grants (other than grants funded by the State of Illinois or the National Institutes of Health for biomedical research, technology, or programmatic development) received by the Chicago Metropolitan Statistical Area Academic Medical Center Hospital during the preceding calendar year as reported to the Department.

3) Each Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital shall receive payment from the Market Research Account equal to 20 percent of the funding for the project, if, based upon submission of information to the

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Department, the hospital:

- A) contributes 40 percent of the fund(s), that is at least \$100,000, for a biomedical research or technology project or a programmatic development project, and
 - B) obtains contributions from the private sector equal to 40 percent of the funding for the project.
- b) No hospital receiving payments from the Medical Research and Development Fund shall receive more than 20 percent of the total amount appropriated to the Fund, except that total payments from the Fund to the primary teaching hospitals affiliated with the Southern Illinois University School of Medicine, considered as a single entity, may not exceed the product of:
- 1) One-sixth of the total amount available for distribution from the Medical Research and Development Fund; and
 - 2) The quotient of the National Institutes of Health grants or contracts awarded to the Southern Illinois University School of Medicine in Springfield and its affiliated primary teaching hospitals in the previous calendar year divided by \$8,000,000.
- c) The Southern Illinois University School of Medicine in Springfield and its affiliated primary teaching hospitals located in Springfield and Chicago Metropolitan Statistical Area Academic Medical Center Hospital for the purposes of calculating subsections (a) and (b), payments under subsections (a) and (b) made to the Southern Illinois University School of Medicine and its affiliated primary teaching hospitals in Springfield shall be made to, and divided equally between, the primary teaching hospitals in Springfield.
- d) Subject to the availability of funds from the Post-Tertiary Clinical Services Fund, including any federal financial participation reimbursed under this subsection (d), payments shall be made to qualified Academic Medical Center Hospitals for up to three qualified programs in any given year as reported to the Department. Qualified Academic Medical Center Hospitals may receive continued funding for previously funded Qualified Programs rather than receive funding for a new program so long as the number of Qualified Programs receiving funding does not exceed three. Each hospital receiving payments under this subsection shall receive an equal percentage of the Post-Tertiary Clinical Services Fund to be used in the funding of Qualified Programs.
- e) Payments from both funds under this Section are made to cover the direct costs associated with Post-Tertiary Clinical Services and shall be made directly to the Academic Medical Center Hospitals due the funds, except any funds due to any primary teaching hospital for the University of Illinois at Rockford and the University of Illinois at Springfield shall be paid to the University of Illinois Hospital, which shall be bound to expend the funds on its affiliated hospitals due the funds.
- f) No Academic Medical Center Hospital shall be eligible for payments

DEPARTMENT OF PUBLIC AID

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from the Medical Research and Development Fund unless the Academic Medical Center Hospital, in connection with its affiliated medical school, received at least \$8,000,000 in the preceding calendar year in grants or contracts from the National Institutes of Health, except that this restriction does not apply to the entity specified in subsection (c) above.

g) The rate payments made under this Section shall be the 12 month period ending July 1, 1996. A qualifying hospital's total annual payments from each fund and account described in this Section shall be divided into four equal payments and be made by the later of the fifteenth working day after July 1, October 1, January 1, and April 1, or

- 1) the fifteenth working day after the Department's receipt of reporting information required under subsection (i) below.
- h) Payments made under this Section are for inpatient Medicaid services provided in the 12 month period preceding the rate period.
- i) Hospitals initially identified by the Department as qualifying under any payment criteria of this Section must complete and return a survey, developed by the Department, attesting to information required to calculate payments under this Section. The Department will mail the survey at least 21 days prior to its due date. Failure to complete and submit required information by the due date, established by the Department will result in forfeiture of payments under this Section.

Definitions

- As used in this Section, unless the context requires otherwise:
- 1) "Academic Medical Center Hospital" means a hospital located in Illinois which is either under common ownership with the college of medicine of a college or university, or a free-standing hospital in which the majority of the clinical chiefs of service are department chairmen in an affiliated medical school.
 - 2) "Academic Medical Center Children's Hospital" means a children's hospital which is separately incorporated and non-integrated into the Academic Medical Center Hospital, but which is the medical partner for an Academic Medical Center Hospital and serves as the primary teaching hospital for pediatric residents or its affiliated medical school. Children's hospitals which are separately incorporated but integrated into the Academic Medical Center Hospital are considered part of the Academic Medical Center Hospital.
 - 3) "Chicago Metropolitan Statistical Area Academic Medical Center Hospital" means an Academic Medical Center Hospital located in the Chicago Metropolitan Statistical Area.
 - 4) "Non-Chicago Metropolitan Statistical Area Academic Medical Center Hospital" means an Academic Medical Center Hospital located outside the Chicago Metropolitan Statistical Area.
 - 5) "Qualified Chicago Metropolitan Statistical Area Academic Medical Center Hospital" means any Chicago Metropolitan Statistical Area

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Numbers: Adopted Action:
682.300 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: December 3, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 3, 1996
- 9) Notice of Proposal Published in Illinois Register: April 5, 1996, 20 Ill. Reg. 5296
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes aired upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department of Rehabilitation Services is filing this rule to amend Subpart D to assure an individual is receiving home care services from only one agency seeking reimbursement for the services through a Medicaid Waiver.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Varnner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER 0: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section 682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section

682.200 Assets Limitation

682.210 Transfer of Assets

682.220 Exempt Assets

682.230 Assets Held in Joint Ownership

682.240 Assets Held in Joint Ownership

682.250 Cost Sharing Provisions

682.260 General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section

682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section

682.400 Redetermination Requirements

682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section

682.500 Exceptions to Eligibility Standards

682.510 Exceptions to Cost Sharing Provisions

682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. **15749**, effective **DEC 13 1996**.

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section 682.300 Effect of Other Services on HSP

- a) An individual cannot receive services through HSP if he/she is receiving services through any other agency's home care program if that agency will seek reimbursement for those services through a Medicaid Waiver of the following programs:

1) Department of Mental Health and Developmental Disabilities;

2) Community Residential Services (CRS);

3) Community Residential Services (CRS);

4) Home-Individualized Program (HSP);

5) Home-Individualized Program (HSP);

6) Specialized Home Program (SHP); or

7) Community Habilitation Services (CHS);

8) Department on Aging's Community Care Program; and/or

- 9) Division of Specialized Care for Children's (DSCC) Waiver Program for Children with the exception of those transitioning from DSCC to HSP who are ages 18-21 years may receive limited PA services during the transition from DSCC to HSP.
- b) An individual is receiving services through a program described in paragraph (a) if the individual is receiving those services prior to the time any services may be provided through HSP, pursuant to Medicaid regulations.

(Source: Amended at 20 Ill. Reg. **15749**, effective **DEC 13 1996**)

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

- 130.120 Amendment 11/1/96, 20 Ill. Reg. 14161
- 15) **Summary and Purpose of Amendment(s):** This rulemaking amends Section 130.801, 130.805 and 130.825 regarding recordkeeping requirements. These amendments provide guidelines for taxpayers to keep records used to establish taxpayer compliance in machine-sensible format and for when taxpayers utilize electronic data interchange.

- 16) **Information and questions regarding this adopted amendment shall be directed to:**

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Retailers' Occupation Tax
- 2) **Code Citation:** 86 Ill. Adm. Code 130
- 3) **Section Numbers:** Adopted Action:
130.801 Amendment
130.805 Amendment
130.825 Amendment
- 4) **Statutory Authority:** 35 ILCS 120
- 5) **Effective Date of Amendment(s):** December 2, 1996
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Does this amendment contain incorporations by reference?** No
- 8) **Date Filed in Agency's Principal Office:** December 2, 1996
- 9) **Notice of Proposal Published in Illinois Register:** July 12, 1996, 20 Ill. Reg. 8961

- 10) **Has JCAR issued a Statement of Objections to these Amendments?** No

- 11) **Differences between Proposal and final version:**

1. In line 516, added "(b)(2)" after "subsection".
2. In line 528, changed "capture" to "captures".
3. In line 567, added "(b)(3)" after "subsections".
4. In line 635, changed the second "line" to "this".
5. In line 682, changed the cite to "135 ILCS 1201".
6. In line 682, deleted "or".
7. In line 689, changed "age" to "must be".
8. In line 707, changed "is" to "must be".
9. In line 759, capitalized "section".

- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

- 13) **Will this amendment replace an emergency amendment currently in effect?**
No

- 14) **Are there any amendments pending on this Part?** Yes

Section Numbers	Proposed Action	IL Register Citation
130.2011	New Section	7/5/96, 20 Ill. Reg. 8626
130.2012	New Section	7/5/96, 20 Ill. Reg. 8626

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 11: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
 130.101 Character and Rate of Tax
 130.102 Responsibility of Trustees, Receivers, Executors or Administrators
 130.105 Occasional Sales
 130.110 Sale of Used Motor Vehicles by Leasing or Rental Business
 130.111 Habitual Sales
 130.115 Non-taxable Transactions
 130.120

SUBPART B: SALE AT RETAIL

Section
 130.201 The Test of a Sale at Retail
 130.205 Sales for Transfer Incident to Service
 130.210 Sales of Tangible Personal Property to Purchasers for Resale
 130.215 Further Illustrations
 130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
 130.305 Farm Machinery and Equipment
 130.310 Food, Drugs, Medicines and Medical Appliances
 130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
 130.320 Gasohol
 130.321 Fuel Used by Air Common Carriers in International Flights
 130.325 Graphic Arts Machinery and Equipment Exemption
 130.330 Manufacturing Control Facilities
 130.335 Pollution Control
 130.340 Rolling Stock
 130.345 Oil Field Exploration, Drilling and Production Equipment
 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
 130.401 Meaning of Gross Receipts
 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
 130.410 Cost of Doing Business Not Deductible

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 11: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART E: RETURNS

Section
 130.415 Transportation and Delivery Charges
 130.420 Finance or Interest Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit or Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances
 130.455

SUBPART F: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Who May Sign Returns More Than One Location Under Same
 130.535 Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain
 130.535 Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain
 130.551 Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART G: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART H: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility
 130.710 Requirements for Obtaining a Certificate of Registration
 130.715 Procedure When Security Must be Forfeited
 130.720 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same

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Taxpayer Under Some Circumstances
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130.725
Replacement of Certificate
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SUBPART K: SELLESS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

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No Distinction Between Deliveries on Federal Areas and Illinois
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SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

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Due Date that Falls on Saturday, Sunday or a Holiday
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SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

When Lessee of Premises Must File Return for Leased Department
130.1301

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

When Lessor of Premises Should File Return for Leased Department
130.1305
Meaning of "Lessor" and "Lessee" in this Regulation
130.1310

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Seller's Responsibility to Determine the Character of the Sale at
the Time of the Sale
130.1405
Seller's Responsibility to Obtain Certificates of Resale and
Requirements for Certificates of Resale (Repealed)
130.1410
Resale Number—When Required and How Obtained
130.1415
Blanket Certificate of Resale (Repealed)
130.1420

SUBPART O: CLAIMS TO RECOVER ERONEOUSLY PAID TAX

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130.1510
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601
When Returns are Required After a Business is Discontinued
130.1605
When Returns Are Not Required After Discontinuation of a Business
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Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

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SUBPART R: POWER OF ATTORNEY

Section

130.1801
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130.1905
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130.1910
Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

NOTICE OF ADOPTED AMENDMENTS

- III. Reg. 18294, effective October 27, 1987; amended at 11 III. Reg. 18761, effective October 28, 1987; amended at 11 III. Reg. 19138, effective October 29, 1987; amended at 11 III. Reg. 19696, effective November 23, 1987; amended at 12 III. Reg. 5652, effective March 15, 1988; emergency amendment at 12 III. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 III. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time period of the original rulemaking; emergency expired January 29, 1989; amended at 13 III. Reg. 18824, effective June 29, 1989; amended at 14 III. Reg. 241, effective December 21, 1989; amended at 14 III. Reg. 872, effective January 1, 1990; amended at 14 III. Reg. 13463, effective September 10, 1990; amended at 14 III. Reg. 16028, effective September 18, 1990; amended at 15 III. Reg. 6621, effective April 17, 1991; amended at 15 III. Reg. 13542, effective August 16, 1991; amended at 15 III. Reg. 15757, effective October 15, 1991; amended at 16 III. Reg. 1642, effective January 13, 1992; amended at 17 III. Reg. 860, effective January 11, 1993; amended at 17 III. Reg. 18142, effective October 4, 1993; amended at 17 III. Reg. 19631, effective November 24, 1993; amended at 18 III. Reg. 1537, effective January 1, 1994; amended at 18 III. Reg. 1586, effective February 17, 1994; amended at 19 III. Reg. 13464, effective September 17, 1994; amended at 19 III. Reg. 13465, effective September 17, 1994; amended at 19 III. Reg. 13568, effective September 11, 1995; amended at 19 III. Reg. 13668, effective September 18, 1995; amended at 20 III. Reg. 44228, effective March 4, 1996; amended at 20 III. Reg. 5366, effective March 26, 1996; amended at 20 III. Reg. 6991, effective May 7, 1996; amended at 20 III. Reg. 9116, effective July 2, 1996; amended at 20 III. Reg. 15753, effective September 1, 1996.
- DPR. 02-1996

SUBPART H: BOOKS AND RECORDS

Section 130.801 General Requirements

- a) Every person engaged in the business of selling tangible personal property at retail in this State shall keep records and books of all sales and purchases of tangible personal property, including all sales and purchase invoices, purchase orders, merchandise records and requisitions. Inventory records prepared as of December 31 of each year or otherwise annually, as has been the custom in the specific trade, credit memos, debit memos, bills of lading, shipping records, and all other records pertaining to any and all purchases and sales of goods whether or not the retailer believes them to be taxable under the Act; and the retailer shall also keep summaries, recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns with all schedules or pertinent working papers used in connection with the preparation of such returns, and other documents listing, summarizing or pertaining to such sales, purchases, inventory changes, shipments or other transactions.
- b) Retailers must maintain complete books and records covering receipts from all sales and distinguishing taxable from nontaxable receipts.

- b) Retailers must maintain complete books and records covering receipts from all sales and distinguishing taxable from nontaxable receipts.

NOTICE OF ADOPTED AMENDMENTS

- c) Such books and records must clearly indicate and explain all tax information (deductions as well as gross receipts) required for tax returns and shall, at all times during business hours of the day, be subject to inspection and audit by the Department or its duly authorized agents and employees.
- d) If a taxpayer retains records required to be retained under this Section in both machine-readable and hard-copy formats, the taxpayer shall, upon request, make the records available to the Department in machine-readable format in accordance with Section 130.905(b)(1)(5).
- (e) Such books and records must be kept in the English language.
- (f) Such books and records must be kept in the English language in instances where a business has several branches, with the head office being located outside Illinois, and where all books and records are being regularly kept outside the State at such head office. Under such circumstances, upon written permission from the Department, books and records may be kept outside Illinois, but the taxpayer must, within a reasonable time after notification by the Department, make all pertinent books, records, papers and documents available at some point within Illinois for the purpose of such inspection and audit as the Department may deem necessary.
- (g) It shall be presumed that all sales of tangible personal property are subject to the tax under the contrary statute established, and the burden of proving that a particular sale is not taxable shall be upon the person who would be required to remit the tax to the Department. If such transaction is taxable. In the course of any audit or investigation or hearing by the Department with reference to a given taxpayer, if the Department finds that the taxpayer lacks documentary evidence needed to support the taxpayer's claim to exemption from tax, the Department is authorized to notify the taxpayer in writing to produce such evidence, and the taxpayer shall have 60 days subject to the right in the Department to extend this period either on request for good cause shown or on its own motion from the date when such notice is sent to the taxpayer by certified or registered mail (or by first class mail with return receipt requested) for the purpose of obtaining and producing such evidence. In the event of inspection and audit, failing which the matter shall be closed, and the transaction shall be conclusively presumed to be taxable.
- 15753
- Ill. Reg. 15753 effective
- (source: Amended at 20

- d) If a taxpayer retains records required to be retained under this Section in both machine-sensible and hard-copy formats, the taxpayer shall, upon request, make the records available to the Department in machine-sensible format in accordance with Section 130.805(b)(5).

- Such books and records must be kept in the English American language. Such books and records must be kept within Illinois except in instances where a business has several branches, with the head office being located outside Illinois, and where all books and records have been regularly kept outside the State at such head office. Under such circumstances, upon written permission from the Department, books and records may be kept outside Illinois, but the taxpayer must, within a reasonable time, furnish to the Department, make all pertinent books, records, papers and documents available for inspection within Illinois for the purpose of such inspection and audit as the Department may deem necessary.

- (e) Such books and records must be kept within Illinois except in instances where a business has several branches, with the head office being located outside Illinois, and where all books and records have been kept in Illinois. In such cases, the taxpayer must, under the circumstances, upon written permission from the Department, books and records may be kept outside Illinois, but the taxpayer must, within a reasonable time after notification by the Department, make all pertinent books, records, papers and documents available at some point in time for inspection and audit as the Department may deem necessary.

- (g) It shall be presumed that all sales of tangible personal property are subject to tax under the Act until the contrary is established, and the burden of proving that a transaction is not taxable shall be upon the person who would be required to remit the tax to the Department if such transaction is taxable. In the course of any audit or investigation or hearing by the Department with reference to a given taxpayer, if the Department finds that the taxpayer lacks documentary evidence needed to support the taxpayer's claim to exemption from tax, the Department is authorized to notify the taxpayer in writing to produce such evidence, and the taxpayer shall have 60 days subject to the right in the Department to extend this period either on request for good cause shown or on its own motion from the date when such notice is given to the taxpayer by certified or registered mail (or by delivery to the taxpayer if the notice is served personally) in which to obtain and produce such evidence. If the taxpayer fails to produce such evidence, failing which the matter shall be closed, and the transaction shall be conclusively presumed to be taxable.

15753

(Source: Amended at 20 Ill. Reg. 12132, effective
DEC 02 1996)

Section 130.805 What Records Constitute Minimum Requirement

- a) In General. A taxpayer shall maintain all records that are necessary to a determination of the correct tax liability under the Act. All required records must be made available on request by the Department. Where a taxpayer's business consists exclusively of the sale of tangible personal property at retail, the following records will be

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deemed by the Department to constitute a minimum for the purposes of the Act:

- 1) Cash register tapes and other data which will provide a daily record of the gross amount of sales.
- 2) A record of the amount of merchandise purchased. To fulfill this requirement, copies of all vendors' invoices and taxpayers' copies of purchase orders must be retained serially and in sequence as to date.

- 3) A true and complete inventory of the value of stock on hand taken at least once each year.

- b) Microfilm or microfiche. Records may be microfilmed or microfiched and microfilm and microfiche records must be authentic, accessible and readable and the following requirements are fully satisfied:

- 1) Reproductions of all original records must be produced upon request by the Department or its authorized representatives.

- 2) Appropriate facilities are provided for preservation of the microfilm or microfiche for periods required.

- 3) Microfilm or microfiche records are indexed, cross-referenced and labeled to show beginning and ending numbers or beginning and ending alphabetical listing of documents included and are systematically filed to permit the immediate location of any particular record. A posting reference must be on each document and a control log or catalog of such documents must be maintained.

- 4) Taxpayers must make available upon request of the Department a reader/printer in working order at the examination site for reading, locating and reproducing any record maintained on microfilm or microfiche.

- 5) When displayed on a microfilm or microfiche reader (viewer) or reproduced on paper, the material must exhibit legibility and readability. Legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognized as words.
- 6) The taxpayer retains the microfilm or microfiche copies as long as the contents thereof may be material in the administration of any audit by the Department (see Ill. Rev. Stat. 1957, ch. 120, par. 443).

- b) Records prepared by Automated Data Processing Process Systems (ADP). When an ADP tax accounting system is may be used to maintain all or part of a taxpayer's accounting or financial records, provide the records required for the verification of tax liability. Such ADP system must include a method of producing legible and readable records which will provide the necessary information for verifying such tax liability. Records retained in ADP system are required to be retained under Section 130.801 of this Part. In both machine-readable and

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hard-copy formats, the taxpayer shall make the records available to the Department in machine-readable format under the provisions of the Department in accordance with Section 130.805(b)(3)(B) of the Act.

The Department's accounting systems, including but not limited to, mainframe computer systems, stand-alone or networked microcomputer systems, Database Management Systems (DBMS) and systems using Electronic Data Interchange (EDI) technology, the following requirements apply to any taxpayer who maintains any such records on an ADP system:

- 1) Recorded or Reconstructible Data--ADP records shall provide an opportunity to trace any transaction back to the original source or forward to a final total. If detailed printouts are not made or reconstructed at the time they are processed, the systems must be capable of reconstructing the original data.

- 2) General and Subsidiary Books of Account--General ledger with source references and subsidiary ledgers shall be written out to coincide with financial reports for tax-reporting periods.

- 3) Supporting Documents and Audit Trail--The audit trail shall be designed so that the details underlying the summary accounting data such as sales, invoices, purchase invoices, credit memoranda and like documents are readily available to the Department upon request.

- 4) Program Documentation--A description of the ADP portion of the accounting system shall be made available. The statements and histories describing the system and steps of ADP operations shall be made available to the Department in machine-readable format. The application being performed and the procedures employed in each application--controls used to insure accurate and reliable processing--should be noted along with the dates and nature of important changes.

- 5) Data Storage Media--Adequate record retention facilities shall be available for storing tax and ADP records required for verification of tax liability. Records required would include data prepared for input in sales, invoices, payable accounts receivable or any purchase or sales journal entries necessary for bookkeeping and tax-reporting purposes.

- 1) Database Management System or "DBMS" means a software system that creates, controls, relates, retrieves, and provides accessibility to data stored in a database.

- 2) "Electronic Data Interchange" or "EDI technology" means the computer-to-computer exchange of business transactions in a standardized structured electronic format.

- 3) "Machine-readable record" means a collection of related information in an electronic format. Machine-readable records do not include hard-copy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche or storage-only imaging systems.

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- D) "Storage-only imaging systems" means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hard-copy or as an optical image.
- E) "Hard-copy" means any documents, records, reports or other data printed on paper.

2) Recordkeeping Requirements - Machine-Sensible Records

A) General Requirements

- i) Machine-sensible records used to establish tax liability shall be retained at the level of detail required by the tax laws. Taxpayers shall provide sufficient information to establish matters required to be shown by a taxpayer in any tax or information returns. The machine-sensible records shall contain sufficient transaction-level detail information so that the details and the source documents underlying the machine-sensible records can be identified and made available to the Department upon request.

- ii) The retained records should reconcile to the books and amounts in the retained records to the totals in the books and to the tax return.

- iii) The retained records must be capable of being processed for purposes of this Section, capable of being printed, and capable of being stored, retrieved, manipulate, print hard-copy, or produce other output. This term does not encompass any requirement that the program or system that created the computer data be available to process the data unless the process is essential to a tax-related computation.

- iv) Taxpayers are not required to construct machine-sensible records other than those created in the ordinary course of business. A taxpayer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

- v) All records required to be retained under this Section shall be preserved unless the Department has provided in writing that the records are no longer required as required by Section 150-025 of this Part.

B)

- Electronic Data Interchange
- i) Where a taxpayer uses electronic data interchange processes and technology, the level of record detail

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in combination with other records related to the transaction must be equivalent to the level of detail contained in an ascertainable paper record. For example, the retained records should contain such information as vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, shipping detail, etc. Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method which allows the Department to interpret the coded information.

- ii) The taxpayer may capture the information necessary to satisfy subsection (b)(2)(B)(i) at any level within its accounting system and need not retain the information at the level of detail required to audit, trail, authenticate and integrity of the retained records can be established. For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified PDI transactions in its accounts payable system rather than to retain the PDI transactions themselves. Since neither the PDI transaction nor the accounts payable system captures information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the taxpayer also retains other records, such as its vendor master file and product code description in its accounts payable system, that document, in this example, the taxpayer need not retain its PDI transaction for tax purposes.

- C) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system are similar to that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this Section.

3) Recordkeeping Requirements - ADP Systems Documentation

- A) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the authenticity and integrity of the records.

- B) The taxpayer shall describe the data processing functions performed and their relate to the flow of data through the system.

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- ii) the internal controls used to ensure accurate and reliable processing; and
- iii) the internal controls used to prevent the unauthorized addition, alteration or deletion of retained records.
- C) The following specific documentation is required for machine-sensible records pursuant to this Section:

- i) record formats and layouts;
- ii) field definitions (including the meaning of all field definitions representing information);
- iii) file descriptions, record layouts, and
- iv) detailed charts of accounts and account descriptions.
- D) Any changes to the items specified in subsections (b)(3)(iB) and (C) above, together with their effective dates, shall be documented and made available to the Department upon request.

4) Machine-Sensible Records Maintenance Requirements

- A) The establishment of records management practices is solely at the discretion of the taxpayer, who ultimately bears the burden of producing records capable of being processed at the time an examination by the Department. The Department recommends that records retention requirements refer to the National Archives and Records Administration's (NARA) standards for guidance on the maintenance and storage of electronic records.

- B) In establishing records management practices, taxpayers should consider, for example, the labeling of records, the security of the storage environment, the creation of back-up copies and their storage location and the use of periodic testing to confirm the continued integrity of the records.

- C) NARA standards may be found at 36 CFR 1234, July 1, 1995 edition.

- D) The taxpayer's computer hardware or software shall accommodate the necessary use of the extraction and conversion of retained machine-sensible records.

- 5) Access to Machine-Sensible Records. The manner in which the Department is provided access to machine-sensible records as required in Section 130.805(b) and Section 130.801(d) of this Part may be satisfied through a variety of means that shall take into account a taxpayer's facts and circumstances through consultation with the taxpayer. Such access will be provided in one or more of the following manners:

- A) machine-sensible records for use on the taxpayer's equipment;
- B) The taxpayer may arrange to provide the Department with the hardware, software and personnel resources necessary to access and process the machine-sensible records;

- C) The taxpayer may arrange for a third party to provide the

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hardware, software and personnel resources necessary to access and process the machine-sensible records;

- D) The taxpayer may convert machine-sensible records to a standard record format specified by the Department on a case-by-case basis. The Department may require that the taxpayer may include conversion of different record formats into mainframe files to microcomputer diskette). These records may be processed on the Department's equipment or at the taxpayer's location;

- E) The taxpayer and the Department may agree on other means of providing access to the machine-sensible records.

6) Taxpayer Responsibility and Discretionary Authority

- A) In discharging their responsibilities under the Act, taxpayers are empowered to determine which of their machine-sensible records must be retained and which records may be discarded. All the facts and circumstances, including consideration of all the facts and circumstances, including whether duplicated or redundant records exist.

- B) In general, taxpayers should retain the machine-sensible records that are the most direct evidence of the transactions and have discretion to discard duplicated transactions and redundant information. In exercising this discretion, the taxpayer should generally retain those records that best facilitate the retrieval and processing of the data during an audit. For example, departmental records stored in departmental data files that are duplicated in a separate file should be discarded and that also required information in the departmental data files. The records in the central system and the requirements of this Section are not. Similarly, daily or weekly data files could be discarded provided that appropriate monthly, quarterly or annual data files with the ability to access appropriate transaction-level records are available.

- C) In conjunction with meeting the requirements of this Section, a taxpayer may create files solely for the use of the Department. For example, if a database management system is used, it is consistent with this Section for the taxpayer to create a separate file that contains the transaction-level detail from the database management system and that meets the requirements of the Section. The taxpayer should document the process that created the separate file to show the relationship between that file and the original records.

- D) A taxpayer may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the taxpayer of its responsibilities under this Section.

- 2) Alternative Storage Media. For purposes of storage and retention,

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taxpayers may convert hard-copy documents received or produced in the normal course of business and required to be retained under this Section to microfilm, microfiche or other storage-only imaging systems and may discard the original hard-copy documents, provided the conditions of this Section are met. These records are not a substitute for machine-sensible records (e.g., magnetic tapes, magnetic cartridges or magnetic disks) described in subsection (b) of this Section. Documents which may be stored on these media include but are not limited to books, ledgers, account, contract, check, order, receipt, invoice, bill, and other documents, correspondence, certificates and sales invoices, purchase invoices, exemption certificates and credit memoranda. Microfilm, microfiche, and other storage-only imaging systems shall meet the following requirements:

- 1) Documentation establishing the procedures for converting the hard-copy documents to microfilm, microfiche or other storage-only imaging systems must be maintained and made available on request. Such documentation shall, at a minimum, contain sufficient description to allow an original document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.
- 2) Procedures must be established for the effective identification, processing, storage and preservation of the stored documents and for making them available for the periods they are required to be retained under the Retailers' Occupation Tax Act (35 ILCS 120.1).
- 3) Hard-copy documents must be maintained and arranged in a manner that permits the location of any particular record.
- 4) Microfiche, microfilm or other storage-only imaging systems records must be indexed, cross-referenced and labeled to show beginning and ending numbers or beginning and ending alphabetical listing of documents included, and must be systematically filed to permit the immediate location of any particular record. A posting reference must be on each document and a control log or catalog of such documents must be maintained.
- 5) Upon request of the Department, a taxpayer must provide facilities and equipment, in good working order, for reading, locating and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging systems.
- 6) When displayed on such equipment or reproduced on paper, the documents must exhibit a high degree of legibility and readability. For this purpose, legibility is determined by the readability test that enables the observer to accurately identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognized as words or complete numbers.
- 7) There must be substantial evidence that the microfilm, microfiche or other storage-only imaging systems lack authenticity or

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integrity.

- d) Effect on Hard-Copy Recordkeeping Requirements
 - 1) Except as otherwise provided, the provisions of this Section do not relieve taxpayers of the responsibility to retain hard-copy records that are created or received in the ordinary course of business as required by existing law and regulations. Hard-copy records may be retained on a recordkeeping medium provided in subsection (c).
 - 2) If hard-copy records are not produced or received or required to be produced or received in the ordinary course of transacting business (i.e., when the taxpayer uses electronic data interchange technology), such hard-copy records need not be maintained.
 - 3) Unless hard-copy records are required to be provided or received, hard-copy records generated at the time of a transaction and not subsequently received by the taxpayer in an EOI transaction and are retained by the taxpayer in accordance with this Section, credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this Section. Such details include, but may not be limited to, those listed in subsection (b)(2)(B).
 - 5) Computer printouts that are created for validation, control or other temporary purposes need not be retained.
 - 6) Nothing in this Section shall prevent the Department from retaining hard-copy printouts of retained machine-sensible records. These records must be made available at the time of an examination or in conjunction with the testing described in Section 130.875 of this Part.
- (Source: Added, 20 Ill. Reg. 15753, effective DEC 02 1996.)

Section 130.875 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

- a) In all cases, the Department may, in writing, authorize the destruction of books and records and other papers prior to the expiration of the periods of time during which the taxpayer, except for such written authorization from the Department, is required to keep his books and records. The Department may with authorize destruction of records in the records are preserved in microfilm, microfiche, magnetic tape, or other machine-readable systems or an electronic data processing system and meet the conditions as prescribed in Section 130.805(b)(4)-(c).
- b) Record Retention Limitation Agreements

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- 1) The Department may, at the request of the taxpayer, enter into a record retention limitation agreement with a taxpayer which agreement may modify or waive any of the specific requirements of Section 130.805. A taxpayer's request for such an agreement must specify which records (if any) the taxpayer proposes not to retain and provide the reasons for not retaining such records, as well as proposing any other terms of the requested agreement. The taxpayer shall remain subject to all requirements of Section 130.805. The Department may, at its discretion, accept or deny a proposed record retention limitation agreement entered by a duly authorized taxpayer representative.
- 2) The Department may revoke or modify a record retention limitation agreement of any provision thereof.
- 3) The record retention limitation agreement shall specifically identify which of the taxpayer's records the Department has determined are not necessary for retention and which the taxpayer may discard. The agreement shall also clearly state each authorized variance, if any, from the normal provisions of Section 130.805. The agreement shall also document other understandings reached with the Department, which may include, but not be limited to:
 - A) the conversion of files created on an obsolete computer;
 - B) restoration of lost or damaged files and the actions to be taken;
 - C) use of taxpayer computer resources.
- 4) The Department shall consider a taxpayer's request for a record retention limitation agreement and notify the taxpayer of the actions to be taken. The Department's decision to enter or not to enter into a record retention limitation agreement shall not relieve the taxpayer of the responsibility under the Act to keep adequate and complete records necessary to a determination of tax liability.
- 5) Unless otherwise specified, an agreement shall not apply to records that are submitted to the Department for the effective date of the agreement. All machine-readable records created or subsequently added accounting or tax system shall be retained by the taxpayer in accordance with Section 130.805 until a new agreement is entered into with the Department.
- 6) Unless otherwise specified, an agreement shall not apply to any subsidiary or other entity that, subsequent to the effective date of a record retention limitation agreement, is acquired by the taxpayer. All machine-readable records produced by the acquired subsidiary shall be retained pursuant to Section 130.805 and any record retention limitation agreement that may have been in effect for the acquired subsidiary ("pre-acquisition agreement"). The provisions of the pre-acquisition agreement shall continue to apply to the acquired subsidiary's records until the records are destroyed or a new agreement applying to the acquired subsidiary

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- 2) is entered into. To evaluate the propriety of a record retention limitation agreement, the Department may conduct an evaluation of the taxpayer's record retention policy. The evaluation may include a review of the taxpayer's relevant data processing accounting systems, including systems using electronic data interchange technology.
- A) The Department shall notify the taxpayer of the results of any evaluation, including acceptance or disapproval of any proposals made by the taxpayer (e.g., to discard certain records) or any changes considered necessary to bring the taxpayer's practices into compliance with Section 130.805.
- B) The evaluation of a taxpayer's record retention practices under this Section is not directly related to the determination of tax reporting accuracy for a particular tax year. An evaluation made under this Section is not an audit.

(Source: Amended at 20 Ill. Reg. 15753, effective Dec 02 1996)

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1) Heading of the Part: Procedures and Standards2) Code Citation: 92 Ill. Adm. Code 10013) Section Numbers: Adopted Action:

1001.410 Amend

1001.441 Amend

1001.442 Amend

1001.443 Amend

1001.443 Amend

4) Statutory Authority: Authorized by Illinois Vehicle Code, 625 ILCS 5/11-501.2-104.5) Effective Date: November 28, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: November 15, 19969) Notice of Proposal Published in Illinois Register: August 9, 1996, 20 Ill. Reg. 1055210) Has JCAR issued a Statement of Objections to these rules? No11) Differences between Proposal and final version: The comments of the Administrative Code Division and JCAR have been incorporated into the amendments.

Section 1001.410. The following definitions were amended:

"BAIID Eligible Petitioner" was changed to delete any reference to JDPs.

"Lockout" was changed to delete the last phrase "unless it is serviced or recalcitrated."

"Recidivist" was changed to include those issued a JDP who have a hearing, within 3 years of issuance of the JDP, due to a subsequent DUI disposition.

Section 1001.441 (h)(2) was changed to delete the prohibition of a BAIID permittee from coming in not sooner than every 50 days for a monitor report.

Section 1001.441 (i)(2) and (3) were changed in that the number of

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unsuccessful attempts to start the vehicle before the Secretary would take action went from 5 to 10.

Section 1001.442 (b)(7) was changed to require a permanent lockout after 10 not 5 unsuccessful attempts to start the vehicle.

Section 1001.443 was restructured as to format requirements.

Section 1001.443 old (a)(1) was deleted.

Section 1001.443 (d) was changed to delete the requirement that installers correct mechanical conditions in permittee vehicles.

Section 1001.443 Appendix A subparagraph b was changed to provide that alternative installation locations be within a 75 mile radius of the permittee.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule amendment replace an emergency rule amendment currently in effect? Yes

14) Are there any proposed amendments to this Part pending? No

15) Summary and Purpose of Rule Amendments: The changes are being made to clarify definitions relating to the Breath Alcohol Ignition Interlock Device (BAIID) Pilot Program and to more accurately reflect how the program is conducted in dealing with the public and the manufacturers/installers.

16) Information and questions regarding this adopted amendment shall be directed to:

Jay L. Mesli, Senior Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, IL 62756
(217) 785-8237

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001

PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	Applicability
1001.10	Definitions
1001.20	Right to Counsel
1001.30	Appearance of Attorney
1001.40	Special Appearance
1001.50	Substitution of Parties
1001.60	Commencement of Action; Notice of Hearing
1001.70	Notice of Hearing
1001.80	Excluded Papers
1001.90	Notice of Hearing
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	Applicability
1001.200	Definitions
1001.210	Hearings; Notice; Locations; Procedures; Record
1001.220	Rules of Evidence
1001.230	Scope of Hearings
1001.240	Decisions and Orders
1001.250	Rehearings
1001.260	Judicial Review
1001.270	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	Applicability
1001.300	Definitions
1001.310	Right to Representation
1001.320	Record and Reports
1001.330	Location of Hearings
1001.340	Duties and Responsibilities
1001.350	Decisions
1001.360	Invalidity

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	Applicability
1001.400	Definitions
1001.410	General Provisions Relating to the Issuance of Restricted Driving
1001.420	Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after
1001.440	Revocation for Alcohol and Drug Related Revocations, Suspensions,
1001.450	and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d),
1001.460	6-206(a)1, 6-206(a)6, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201,
1001.470	6-203, 6-203.1 and 11-501.1
1001.480	Breath Alcohol Ignition Interlock Device Pilot Program
1001.490	Manufacturer's Responsibilities; Approval for Analyzing Alcohol
1001.500	Content of Breath; DPH Inspections; Disqualification of a
1001.510	Manufacturer; Designation and Assignment of Regions
1001.520	Installers' Responsibilities; Initial Certification; Renewal
1001.530	Reinstatement; Revocation and Denial of Installer Certification
1001.540	New Hearings for Modification of Revocations and Suspensions
1001.550	Requests for Reinstatement and Cancellation of RDP's
1001.560	Reinstatement; Cancellation and Suspension of RDP's
1001.570	Unspecified Judgment Suspensions
1001.580	Reinstatement Application Based Upon Issuance of Drivers License in
1001.590	a State Which is a Member of the Driver License Compact
1001.600	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section	Applicability
1001.500	Definitions
1001.510	Procedures
1001.520	Conduct of Medical Formal Hearings
1001.530	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS
UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED
DRIVING PERMITS

Section	Applicability
1001.600	Definitions
1001.610	Burden of Proof
1001.620	Implied Consent Hearings; Religious Exception
1001.630	Implied Consent Hearings; Medical Exception
1001.640	Rebuttable Presumption

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1001.660 Alcohol and Drug Education and Awareness Program
 1001.670 Petition for Restricted Driving Permits
 1001.680 Form and Location of Hearings
 1001.690 Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700 Applicability
 1001.710 Definitions
 1001.720 Organization of Motor Vehicle Review Board
 1001.730 Motor Vehicle Review Board Meetings
 1001.740 Motor Vehicle Review Board Proceedings
 1001.750 Motor Vehicle Review Board Hearings
 1001.760 Hearing Procedures
 1001.770 Conduct of Protest Hearing
 1001.780 Mandatory Settlement Conference
 1001.785 Technical Issues
 1001.790 Hearing Expenses; Attorney's Fees
 1001.795 Invalidity

APPENDIX A BAAID Regions and Minimum Installation/Service Center Site Location Guidelines

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-113, 2-114 and Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-206(c) and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)]. Subpart D authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-113, 2-114 and Ch. 7]. Subpart E implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206, and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-113, 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-113, 2-114 and Ch. 7]. Subpart F implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206, and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-113, 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-113, 2-114 and Ch. 7]. Subpart G implementing and authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1,

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1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 18001, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 1, 1992; amended at 17 Ill. Reg. 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993; a maximum of 150 days; amended at 17 Ill. Reg. 6276, effective May 1, 1993; a maximum of 150 days; amended at 17 Ill. Reg. 6276, effective May 1, 1993; a maximum of 150 days; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6657, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. **15773**, effective **NOV 28 1996**.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's records of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report which confers on the standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department.

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This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's driving record contains a prior DUI disposition within the last ten (10) years for which the petitioner did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the Petitioner may be a user of alcohol or any other drug to a degree which renders such a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code)

"Alcohol and Drug Evaluation (Out-of-State)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and Drug Evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.44(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.44(a)(6)(A) of this Subpart.

"Alcohol and Drug Related Driver Remedial Program" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, which conforms to the standards established by DASA. (See 77 Ill. Adm. Code Subpart D)

"Alcohol Setpoint" means the minimum or nominal BrAC (0.025) ~~(0.02)~~ at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID Eligible Petitioner" means an Illinois resident who is in any one of the following populations:

1) Any recidivist as defined in this Subpart;

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- 2) Any individual classified Level III Dependent with at least six (6) but less than twelve (12) months of abstinence from alcohol and/or drugs;
 - 3) Any individual with three (3) DUI dispositions if:
 - A) The last DUI arrest occurred within the three (3) year period preceding the date of the hearing; or
 - B) The three DUI dispositions involved a BAC of 0.20 or more;
 - 4) Any individual with four (4) or more DUI dispositions.
- BAIID Eligible Petitioner shall not include anyone in the above populations if the BAIID Eligible Petitioner had a hearing and was granted a NOP prior to May 10, 1994, and was eventually issued a NOP as a result of that hearing, regardless of whether the Petitioner is currently in effect of NOP, as long as that BAIID Eligible Petitioner does not receive a DUI disposition subsequent to the issuance of that

"BAIID Permittee" means a BAIID Eligible Petitioner who has been issued a RDP as a result of a hearing conducted under the Program.

"Breath Alcohol Ignition Interlock devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a breath alcohol test prior to the starting of a vehicle. If the unit deserts a BAIID test result above the alcohol ASD/BAC set-point the vehicle will prevent ignition switch to start the engine. If the unit deserts a BAIID test result below the alcohol ASD/BAC set-point the vehicle will allow ignition switch to start the engine.

The Secretary shall measure the effectiveness of each such program by conducting random testing of simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certificate" means evidence issued by the manufacturer to an individual as proof of his authority and competence to install, accuracy check, calibrate and/or maintain ignition interlock devices.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Circumvention" means an overt, conscious effort to bypass the BACID test by providing samples other than the natural, unfiltered breath of the driver, or by starting the vehicle by not using the ignition switch, or by any other act intended to start the vehicle without first making and passing a breath test and thus permitting a driver with a BAC in excess of the alcohol setpoint to start the vehicle.

"Clinical Impression" means a qualified professional's (See definition

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of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during the treatment process, regarding the effectiveness of treatment provided.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, alcohol or drug related driver remedial program, an alcohol or drug treatment program, an alcohol or drug improvement program, or any similar program intended by the State to change a Petitioner's driving problem as evidenced by the Petitioner's abstract. (See Sections 6-205(c) and 6-206(c)(3) of the Code)

"Device" means a breath alcohol ignition interlock device approved by the Secretary after consultation with DPM.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the Petitioner (e.g., spouse, sister, mother, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such States. Said Compact has been codified in Illinois and is found in Chapter 6, Article VII, of the Code.

"DPM" means the Illinois Department of Public Health.

"DUI" means driving under the influence.

"DUI Disposition" means any conviction or supervision for DUI, or any conviction or reckless driving reduced from DUI, and any statutory summary suspension or reckless driving conviction reduced from DUI, and a Breath Alcohol Ignition Interlock Program. For purposes of the definition of the term "DUI Disposition" shall include any conviction for reckless homicide.

"Employ" or "Employed" shall all relate to activity

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for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by DASA (See 77 Ill. Adm. Code 2056.1) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to Successfully Complete a Rolling Retest" means anytime the BAID Permittee registers a BRAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first thirty (30) days after initial installation of the device. Obtaining and analyzing this report will also serve to help instruct the BAID Permittee on how to correctly use the device when the report indicates deficiencies in performance.

"Inspector" means an individual who through specialized training is certified by one manufacturer to examine, certify, and maintain devices. The individual shall have an extensive background in breath analysis instrumentation.

"Installer" means an individual trained and certified by a BAID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.

"JDPM" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI, and a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310)

"Level II - Moderate Risk" means the classification resulting from an

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alcohol and drug evaluation assigned to a Petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and/or a blood alcohol concentration (BAC) of .15 to .13 or a refusal of chemical testing as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310)

"Level II - Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has a prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and/or a blood alcohol concentration (BAC) of .10 or higher as a result of the most current arrest for DUI, and no other symptoms of substance abuse. (See 77 Ill. Adm. Code 2056.310)

"Level III - High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner with:

symptoms of substance dependence (regardless of driving record), hereinafter referred to as a Level III Dependent; and/or

two prior convictions or court ordered supervisions for DUI or statutory summary suspensions or reckless driving convictions reduced from DUI or court ordered supervision for DUI, and/or two separate incidents, within the ten (10) year period prior to the date of the most current (third or subsequent) arrest, hereinafter referred to as Level III Non Dependent. (See 77 Ill. Adm. Code 2056.310)

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty unless-it-is-serviced-or-re-certified.

"Manufacturer" means the maker of a BAID or its authorized Representative.

"Medical or Physical BAID Modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAID by the BAID Permittee for which the Department may authorize a modification of the BAID or its programming to accommodate the condition without sacrificing the intent of the BAID Program.

"Monitor Report" means an electronic report or a printout of the data of a device obtained by the manufacturer or installer at the time the device is serviced or re-certified, and included at the time the number of successful and unsuccessful attempts to start the

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vehicle and rolling retests, including each date, time, and BAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Office" means the Office of the Secretary of State and not any particular Department address or location.

"Permanent Lockout" means that feature of the device that prevents access a vehicle with the vehicle's ignition after the expiration of the five (5) day period of the vehicle's lockout by the manufacturer/installer of the device to make the vehicle operable to become permanently inoperable for any failure to take the vehicle to the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within five (5) days after any service or inspection notification. A permanent-lockout-must-prevent-the-vehicle-from-starting-after-the-vehicle-is-serviced-or-re-certified-(5)-days-and-require-servicing-by-the-manufacturer/installer-of-the-device-to-make-the-vehicle-operable

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAID Pilot Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Recidivist" means an individual who had lost driving privileges due to a DUI disposition, received driving relief resulting from through the administrative hearing for a DUI disposition, the arrest date of which occurred on or after January 1, 1992 process, and thereafter received another DUI disposition causing a further loss of driving privileges regardless of whether it is the reason for the current loss of driving privileges. It shall also include any individual who has been issued a RDP and who, within three (3) years of that issuance date, appears at an administrative hearing for driving relief due to the subsequent DUI disposition.

"Reinstatement" means the restoration of driving privileges entitling the Petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and the Rules

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promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"Rolling Retest" means that feature of the device that requires the driver to take another BRAC test(s) after the initial test to start the vehicle. Upon failure of a retest or failure to take the retest the device will cause attention to be drawn to the vehicle, such as any but not limited to, sounding of the horn of the vehicle.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Service or Inspection Notification" means that feature of the device that advises or notifies the BAID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report. Such notification shall be given by the device in the following cases: anytime the device records a BRAC test result of 0-05 or more; five (5) or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAIDB Permittee of the initial monitor report; after any rolling retest; failure or refusal following the initial monitor report; after any attempted tampering or circumvention after the initial monitor report; every sixty (60) days after the initial monitor report.

"Service Center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into

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his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self-report. Such individuals shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Tampering" means an overt, conscious attempt to physically disable or otherwise disconnect the BAID from its power source and thereby allow a person with a BRAC above the alcohol setpoint to start the engine.

"Twenty-four Hour Lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of twenty-four hours any time the device registers three (3) or more BRAC readings of 0.05 or more within a thirty (30) minute period.

"Undue Hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the Petitioner. Hardship only to the Petitioner's educational pursuits and transportation must be unavailable to the Petitioner. Undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship relating to employment" means, as used in the context of Sections 6-205(c) and 6-206(c) of the Code an extreme difficulty in getting to or from a Petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the Petitioner's driving privileges. It is more than mere inconvenience to the Petitioner and pertains only to the Petitioner. All other reasonable means of transportation must be unavailable to the Petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where the Petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosed medical condition, alcoholism/chemical dependency, where a Petitioner is participating in

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date of the installation of the device. Proof of installation shall be in writing, on letterhead from the installer or manufacturer. The BAID Permittee may operate the vehicle for fourteen (14) days from the issuance of the RDP without the device installed only for the purpose of taking the vehicle to a manufacturer or installer for installation of the device. Petitioner shall have fourteen (14) days from the date of issuance of the RDP to have a device installed in the vehicle(s) to be used by the Petitioner, and may operate the vehicle without the device in order to take the vehicle to a manufacturer or installer for installation. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.

h) Any BAID Eligible Petitioner receiving a RDP under this program must comply with the following requirements:

- 1) Operate only a vehicle(s) with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAID Permittee as required by the RDP issued under the program;
 - 2) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer within the first thirty (30) days for an initial monitor report to help the BAID Permittee learn how to correctly use the device, and thereafter not sooner than every fifty (50) days nor longer than every sixty (60) days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the manufacturer or installer.
 - 3) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer for a monitor report within five (5) working days after any service or inspection notification.
 - 4) Maintain a journal of events on condition of successful attempts to start the vehicle, failures to successfully complete a rolling retest, or any problems with the device.
- i) Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action:
- 1) For any BAID Permittee who fails to take the vehicle with the device in for timely monitor report(s) or send the appropriate portion of the device to the manufacturer for timely monitor report(s), send a letter to the BAID Permittee indicating that if the device is not taken in for a monitor report within ten (10) days after the date of the letter, the RDP will be cancelled--it is the BAID Permittee's responsibility to contact the manufacturer/installer to make a use--monitor--reports are obtained;
 - 2) For any BAID Permittee whose monitor report(s) shows ten (10) days--50 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a rolling retest, or tampering

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with or circumvention of the device during the initial monitor period, send a warning letter to the BAID Permittee indicating that future unsuccessful attempts to start the vehicle or could result in the BAID Permittee either being cited in for a hearing to cancel the RDP or the immediate cancellation of the RDP--if the BAID Permittee's monitor report(s) shows a failure to successfully complete a rolling retest will result in the Secretary sending a letter to the BAID Permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a rolling retest or tampering with or circumvention of the device after the initial monitor report period;

3) For any BAID Permittee whose monitor report(s) shows ten (10) days--50 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle, device, if a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the RDP will be cancelled--the BAID Permittee shall be cited in for a hearing to determine if the RDP should be cancelled;

4) For any BAID Permittee whose monitor report(s) show a failure to successfully complete a rolling retest, or any tampering with or circumvention of the device after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the failure to successfully complete a rolling retest. If a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the RDP will be cancelled--the BAID Permittee shall be cited in for a hearing to determine if the RDP should be cancelled;

5) For any BAID Permittee whose monitor report(s) show a BRAC reading of 0.05 or more, or a pattern of BRAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained herein, there shall arise a rebuttable presumption that the BAID Permittee consumed alcoholic beverages. The presumption may which--shall result in the immediate cancellation of the RDP if the BAID Permittee is required to abstain from alcohol, claimed abstinence at the time of the hearing or at least at the hearing not to consume alcohol to the point of attaining a BRAC of 0.025 while attempting to drive a vehicle. In such case, the Secretary shall send a letter asking for an explanation of the BRAC reading or the pattern of BRAC readings consistent with the use of alcoholic beverages. If

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a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably appears the Secretary that the BAID Permittee did not consume alcoholic beverages, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the RDP will be cancelled. The presumption may be made that an administrative hearing requested by the BAID Permittee, at an administrative hearing requested by the BAID Permittee.

6) For any BAID Permittee whose initial monitor or monitor report(s) show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device. For any BAID Permittee whose monitor report(s) shows apparent violations of the restrictions of the RDP, send a letter to the BAID Permittee asking for an explanation. A response is received within thirty-one (31) days or does not reasonably assure the Secretary, the RDP shall be cancelled. If the RDP is cancelled, it reasonably assures the Secretary that the RDP restrictions were not violated, no further action will be taken. If a response is not received within the twenty-one (21) days or does not reasonably assure the Secretary that no violation(s) of the restriction of the RDP occurred, the BAID Permittee shall be cited in for a hearing to investigate the apparent violation(s) of the restrictions to determine if the RDP should be cancelled. If the evidence shows that the BAID Permittee drove outside the restrictions of the RDP, it shall be cancelled. If the evidence shows that the BAID Permittee did not drive outside the restrictions of the RDP, the RDP shall not be cancelled. If the evidence shows that the BAID Permittee did not drive outside the restrictions of the RDP, the RDP shall not be cancelled.

3) Receiving a RDP issued under this program:

- 1) Any law enforcement report showing operation of a vehicle by a BAID Permittee without a device as required by the RDP issued under this program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;

- 2) Any law enforcement arrest/stop involving a failed rolling retest or failure to take a rolling retest if the officer's report indicates the use of alcoholic beverages and/or drugs by the Permittee. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of the original is submitted to the court, along with a law enforcement report to the Secretary;

- 3) Written notification verification from a manufacturer/installer on a removal/deinstallation report form stating that their device previously installed in a Permittee's vehicle has been removed and/or is no longer being utilized by the Permittee, as required by subsection (d) above;

- 4) Any law enforcement report involving a DUI or other alcohol related arrest/stop.

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k) Any BAID Permittee whose RDP issued under this program is cancelled as provided for in this Section may request a hearing to contest the cancellation within sixty (60) days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAID Permittee whose RDP is cancelled under the provisions of subsection (l)(1) of this Section who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.

- 1) BAID Permittee whose RDP issued under this program is cancelled for any reason in this Section shall not be granted another hearing for any type of driving relief for one (1) year from the date of the cancellation, except to contest the cancellation as provided in subsection (k) above. BAID Permittees who voluntarily have their RDP's cancelled and have not committed any offense or act that would have been reason for the cancellation of their RDP may be granted a hearing for any type of driving relief within one (1) year from the date of cancellation.

- m) Any formal order entered which grants the issuance of a RDP under this Section shall include, in addition to all other requirements, clearly indicate the following:

- 1) That the RDP is issued under the program;

- 2) That the BAID Permittee is aware of the program and all of its conditions and terms and accepts those conditions and terms as conditions precedent to the issuance of the RDP.

- n) Any RDP(s) issued under this program shall, in addition to all other requirements, clearly indicate:

- 1) That the permit is issued under the program, and when a vehicle operated by a BAID Permittee must be equipped with an installed, and
- 2) That the provisions of the RDP also allow the BAID Permittee to drive to and from the manufacturer or installer for the purposes of installing the device within fourteen (14) days of the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.

- o) The Secretary authorizes DPH to check and monitor the manufacturers and installers as to their calibration and monitor report procedures.

- p) The Secretary shall gather all monitor reports, any reports from DPH and any other information relative to the performance, dependability, and safety of the device. The Secretary may use such information as may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

- q) The Secretary may make a medical or physical BAID modification for RDPs issued under the program.

(Source: Amended at 20 Ill. Reg.

15778

effective

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Section 1001.442 Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath, DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions

- a) The responsibilities of a device manufacturer shall include:
 - 1) The manufacturer shall carry product liability insurance with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability per occurrence shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Secretary and DPH before cancellation of the insurance;
 - 2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees and agents, and DPH and its officers, from all claims, demands, actions and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of the device;
 - 3) The manufacturer shall develop separate detailed written instructions regarding the installation, maintenance and the normal operation of the device;
 - 4) The manufacturer shall provide an 800 customer service/question/complaint hotline;
 - 5) The manufacturer shall provide a training program for the individual operating the device on operation, maintenance, and safeguards against improper operations. The manufacturer shall warn the BAID Permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of their RDP. The manufacturer shall instruct the BAID Permittee and other individuals participating in the training program to maintain a journal of events surrounding failed readings or problems with the device;
 - 6) The manufacturer shall provide informational materials to the Secretary for distribution to BAID Permittees; and
 - 7) The manufacturer shall provide a written report of performance to the Secretary for support of service within a maximum of forty-eight (48) hours after notification of a request for service complaint. This support shall be in effect during the period the device is required to be installed in a motor vehicle;
 - 8) The manufacturer shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions--and--the--testing--protocol--by--which--the--device--was approved. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any costs

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incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;

- 9) The leases, fee schedules, installation verification forms, noncompliance report forms, calibration verification forms, report forms, and removal/installation report forms used by manufacturers in the program shall be approved by the Secretary. The manufacturer shall provide a copy of the leases, fee schedules, and report forms to the Secretary--as--soon--as--possible--after preliminary approval--and--prior--to--installation--of--devices--in--the State--of--Illinois--at--no--cost;
- 10) If a manufacturer requires a security deposit by a BAID Permittee and the amount of the deposit required is more than an amount equal to one (1) month's rental or lease fee, said security deposit must be deposited in an escrow account established at a bank, savings bank or deposits and loan association located within the manufacturer's Illinois BAID region. The manufacturer will provide the Secretary with a certified statement of the escrow account upon his request. The manufacturer shall provide a training program for the service-entry vendor and/or installer installing the device on:
 - A) installation, operation, maintenance, and safeguards against tamper-operations;
 - B) the psychological and pharmacological effects of the tool on the human body; and
 - C) the use of instruments used in the analytical process which measure alcohol concentration;
- 11) Any manufacturer whose device is installed must submit reports to the Secretary and DPH no later than seven (7) fifteen (15) days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer if the report does not contain five (5) or more unsuccessful attempts to start the vehicle a BAID of 0-0-0-0 or more--an--unsuccessful--rolling--retest--or--tampering--with--or circumvention--of--the--device--otherwise--the--report--shall--be submitted--within--five--(5)--days. Notwithstanding the above--the initial monitor report shall be submitted within fifteen (15) days from the date the device is brought in--or--the appropriate portion--of--the--device--is--sent--in--for--a--monitor--report. These monitor reports shall be submitted using the agreed upon reporting protocols. The Secretary shall provide an electronic copy of all monitor reports to DPH or in hard copy;
- 12) The manufacturer shall provide to the Secretary upon request and DPH additional reports, to include but not be limited to records of installation, reinstallation, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols and a copy shall be provided

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- by the Secretary to DPH upon request or in-hand-copy;
- 13) The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence upon request;
- 14) The manufacturer shall service all BAID Permittees in their designated geographic region under standards established for that region set forth in Appendix A, Alcohol content of breath;
- b) Approval of BAID Permittees shall be granted by the Secretary;
- 1) Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St.-7 SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent date or editions), except for:
 - A) 1.1.2.S. The device is not designed to be operated from the battery.
 - B) 1.5.2.S. Extreme Operating Range, if the device is not designed to be operated below -20°C and above +70°C.
 - C) 2.3.S. Warm Up, if the device is not designed to be operated below -20°C.
 - D) 2.5.S. Temperature Package, if the device is not designed to be operated below -20°C and above +70°C.
 - 2) Within thirty-six (36) eighteen-months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of the data reported by the DPH and review of field performance results from the program;
 - 3) No device shall be given approval if it demonstrates an accuracy rate 20.01 in untested conditions or 20.02 in stressed conditions.
 - 4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025 049.
 - 5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within five (5) to fifteen (15) minutes after starting the vehicle. Rolling retests shall continue at a rate of two (2) per hour in order to exceed forty-five (45) minutes after the first rolling retest.
 - 6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
 - A) The rolling retest is not performed;
 - B) The BRAC readings of the rolling retest is 0.05 or more exceeds 044;
 - C) Tampering or circumvention attempts are detected.

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- 7) The device shall be required to have permanent lockout five (5) days after the Service or Notification Notification if it is not serviced or calibrated. Notification shall be given by the device in the following cases: anytime the device registers three (3) BRAC readings of .05 or more within a thirty (30) minute period; ten (10) or more unsuccessful attempts to start the vehicle after the initial monitor retest; a failure to Permittee of the initial monitor retest; a failure to successfully complete a rolling retest; after any attempted initial monitor retest; every sixty (60) days after the initial monitor retest; and every sixty (60) days after the initial monitor retest.
- 8) The device shall be required to have Twenty-Four (24) Hour Lockout anytime the BAID Permittee registers three (3) a BRAC readings of 0.05 or more within a thirty (30) minute period.
- 9) Any device to be approved shall provide for calibration at least once every sixty (60) days using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard.
- 10) Any manufacturer/service center/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary and DPH all such sales, rentals, and/or leases listing the name and address of the manufacturer, the make, model, and serial number of the installer, the installer's location, the make, serial number of the vehicle, the make and model of the vehicle it is installed in, and VIN number of the vehicle within fifteen (15) days on-a monthly-basis using an agreed upon electronic transfer medium and format. The Secretary shall provide a copy of the information to DPH.
- 11) Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.
- 12) A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH certifying the device:
 - A) Does not impede the safe operation of a vehicle.
 - B) Minimizes opportunities to bypass the device.
 - C) Performs accurately and reliably under normal conditions.
 - D) Prevents a BAID Permittee from starting a vehicle when the BAID Permittee has a prohibited BRAC; i.e. ≥ 0.025 049.
 - E) Satisfies the requirements for certification set forth in this Section.
- 13) The written request shall include all of the following information:
 - A) The name and address of the manufacturer of the device.
 - B) The name and model number of the device. A separate request is required for each model or type of device.
 - C) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal.

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- D) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.
- E) A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications of the manufacturer's present and two (2) year plan for distribution and service in Illinois.
- F) A certification from the manufacturer that it will accept the region assigned as a result of a random draw and will service all BAID Permittees residing in the designated region under standards established for that region.
- 14) The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device no later than thirty (30) days after receipt of all required requested materials and certifications.
- 15) The manufacturer shall, within three (3) months after preliminary approval provide the Secretary and DPH's Alcohol and Substance Testing Program:

- A) A list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, or replaced, and the location of the nearest repair shop to be used in the event of a breakdown. The manufacturer shall notify the Secretary of any new locations or any locations which are closed;
- B) Five (5) production devices of which three (3) will be used for field testing; and
- C) Training for the Secretary's employees and DPH's inspectors and program administrator at no cost.
- 16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.
- 17) A list of approved devices shall be maintained by the Secretary.
- D) DPH inspection and independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any noncompliance so reported. The manufacturer shall report in writing to the Secretary and DPH within thirty (30) days after receiving notification of the noncompliance any corrective actions taken.

d)

Disqualification of a Manufacturer

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The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a thirty (30) day opportunity to come into compliance in any of the following cases:

- 1) Failure to submit monitor reports in a timely manner as provided in subsection (a)(11). If the Secretary finds, through investigation, that the BAID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the manufacturer or installer indicating that a second such occurrence will result in cancellation of participation;
- 2) Failure to maintain liability insurance as required;
- 3) Failure to comply with all of the duties and obligations contained in this Part.
- e) Designation and Assignment of Regions
- The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within the assigned region to service BAID Permittees residing in that region under standards established for that region as set forth in Appendix A.

(Source: Amended at 20 Ill. Reg. 15773, effective NOV. 28, 1996.)

Section 1001.443 Installer's Responsibilities-Initial-Certification-Renewal-Termination-Revocation-and-Denial-of-Installer-Certification

a) The responsibilities of installers of BAID shall include:

- 1) An installer shall carry liability insurance with a minimum liability limits of \$1 million per occurrence and \$1 million aggregate total. The liability insurance shall include coverage for defects in calibration, installation and removal of devices.
- 2) The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Secretary and DPH of any change in coverage.
- 3) An installer shall identify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, agents, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device.
- 4) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation. These include, but are not limited to:

- A) Tools to make electrical connections in a competent manner

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(properly soldered or mechanically crimped with high quality connectors and in accordance with accepted trade standards)
 b) Heat-gun, if heat shrink tubing or heat set labels are used;
 c) Volt/ohmmeter;
 d) Test light;
 e) Battery testing equipment and servicing tools (load tester, terminal cleaning tools and battery filler);
 f) Have the ability to access within one hour via PAK or other means electrical wiring diagrams and/or reference guide for electrical systems on import and domestic vehicles twenty (20) years old or less; necessary for installation and operation of the device and

g) Properly installed device;
 h) The installer shall provide adequate security measures to prevent access to the device unauthorized persons from accessing secured materials (tamper seals or installation instructions).
 i) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions and operating conditions (such as low battery or alternator voltage or engine stalling frequent enough to require additional breath test) which interfere with the proper operation of the vehicle. The installer shall assume full legal responsibility to repair the vehicle if an condition exists which would prevent the proper functioning of the device. The installer should inform the BALID Permittee that a problem exists, but should not be responsible for repairing the vehicle.
 j) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle.
 k) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle.
 l) The installer shall restore a motor vehicle to its original condition after the device has been installed. The installer shall be permanently disconnected insulated with heat shrink tubing.
 m) The installer shall provide a warranty of performance to assume responsibility for support of service within a maximum of forty-eight (48) hours after notification of a request for service completion. This support shall be in effect during the period the device is required to be installed in a motor vehicle.

b) Requirements for Initial Certification of BALIDs--the individual--shall be provided instruction by the manufacturer of the device based on a curriculum approved by BALID which includes the following:

- A) Presentation of the--physiology--physiological--and psychological effects of alcohol in the human body;
- B) Theory of breath alcohol ignition interlock devices used--in

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the analytical process which measures alcohol concentration;
 c) Practical application in the use and installation of the device;
 d) An individual--be--certified--under--this--part--shall satisfactorily complete a practical proficiency examination approved by BALID and administered by the manufacturer;
 e) A certification shall be valid for a period of twenty-four (24) months from the date of issuance--A certification shall be terminated when the individual is no longer employed as a BALID--

f) Instructor Qualifications
 g) Instructors in courses designed to qualify persons for certification to install BALIDs shall be certified by the manufacturer

h) Any person desiring to qualify as an instructor shall submit an application to the manufacturer listing all technical and educational background

i) Persons desiring to qualify as an instructor shall be knowledgeable on the subjects of the psychology, physiology and pharmacological effects of alcohol and the devices approved for use in Illinois and demonstrate the ability to operate and install the manufacturer's device in accordance with its operational procedures;

j) The certification of an instructor shall be terminated, denied or revoked for the following reasons:
 i) Inability to pass a practical evaluation;
 ii) Teaching fewer than five (5) courses per year--unless employed by the manufacturer or BALID;

k) Requirements for Renewal of Instructor Certification:
 i) Each instructor must be examined prior to recertification by the manufacturer's approved representative. This will be done on the following schedule: (1) Each instructor must be examined by the instructor regardless of the number of courses conducted; must successfully install and check a device for accuracy using a certified encoiled reference sample in the presence of an instructor;
 ii) Within the two (2) year period each instructor must complete the following:

A) A review of the operational theory of devices;
 B) A review of current and related problems in the field;

C) Requirements for termination--Revocation--and Denial--of--Instructor Certification on
 i) When following are grounds for the revocation of a certification issued to the instructor:
 A) Failure to improve installation of the device by the instructor in such a way that the instructor is in violation of State statutes on this Part

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- B) Upon receipt of a complaint to the Secretary or BPH, a certified installer may be subject to review by an inspector in the operation and installation of the device using a certified controlled reference sampler and at which time the failure or refusal to perform analysis or at installation his failure or refusal to perform analysis or at installation the recommendation grounds for certification revocation upon the recommendation of the installer from his employment.
- 2) A renewal of a certification under subsection (c) is subject to a reinspection of the certification pursuant to subsection (b)(3) and/or (4) above may be denied for the following reasons:
- A) Any grounds for revocation set forth in subsection (d)(1) above
- B) Failure to comply with subsection (c)(1) and (2) above
- 3) If BPH finds that the public interest, safety or welfare imperatively requires emergency action BPH shall incorporate a finding to that effect in an order immediately suspending a certification and forward it to the manufacturer pending proceedings for revocation or denial of certification.

(Source: Amended at 20 Ill. Reg. 15773, effective NOV 28 1996)

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Section 1001 APPENDIX A BAUID Regions and Minimum Installation/Service Center Site Location Guidelines

- a) The State of Illinois is divided into four (4) BAUID regions as follows:

- 1) Region 1 shall be comprised of the Counties of Boone, Bureau, Carroll, Cass, DeWitt, Grundy, Hamilton, Jasper, Johnson, LaSalle, Lee, Lincoln, McDonough, McHenry, Ogle, Stephenson, Whiteside, Winnebago, and Woodford in Cook County the municipalities/unincorporated areas of Alsip, Bedford Park, Bellwood, Berkeley, Berryn, Bridgeview, Broadview, Brookfield, Burbank, Chicago Ridge, Cicero, Countryside, Evergreen Park, Forest Park, Forest View, Hickory Hills, Hillside, Hodgkins, Homewood, Indian Head Park, Justice, LaGrange, LaGrange Park, Lemont, Lyons, Marquette, Matteson, Oak Park, Maywood, Mc Cook, Melrose Park, North Riverside, Oak Lawn, Oak Park, Orland Hills, Orland Park, Palos Heights, Palos Hills, Palos Park, River Forest, Riverside, Stickney, Stone Park, Summit, Tinley Park, Westchester, Western Springs, Willow Springs, and Worth.
- 2) Region 2 shall be comprised of the Counties of Adams, Brown, Calhoun, Cass, DuPage, Fulton, Greene, Hancock, Henderson, Henry, Kane, Kane County, Madison, Marion, Mason, McDonough, Menard, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Stark, Warren, Woodford, and in Cook County the City of Chicago.
- 3) Region 3 shall be comprised of the counties of Bond, Champaign, Christian, Clark, Clay, Clinton, Coles, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Iroquois, Jasper, Kane, Kankakee, Logan, Macon, McLean, Montgomery, Moultrie, Platt, Sangamon, Shelby, Tazewell, Vermilion, and in Cook County the municipalities/unincorporated areas of Barrington, Barrington Hills, Des Plaines, Elk Grove Village, Elmwood Park, Franklin Park, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Mount Prospect, Niles, Norridge, Northlake, Palatine, Park Ridge, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, and Streamwood.
- 4) Region 4 shall be comprised of the counties of Alexander, Alexander, Boone, Bond, Franklin, Gallatin, Hamilton, Madison, Jackson, Jefferson, Johnson, Kane, Kane County, Madison, Marion, Mason, McHenry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, Will, Williamson, and in Cook County the municipalities/unincorporated unincorporated areas of Arlington Heights, Blue Island, Burnham, Calumet Park, Calumet City, Chicago Heights, Country Club Hills, Crestwood, Dixmoor, Dolton, East Hazel Crest, Evanston, Flossmoor, Ford Heights, Glencoe, Glenview, Glenwood, Golf, Harvey, Hazel Crest, Homewood, Kenilworth, Lansing, Lincolnwood, Lynwood, Markham, Matteson, Midlothian, Morton Grove, Northbrook, Northfield, Oak

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Forest, Olympia Fields, Park Forest, Phoenix, Rosen, Prospect Heights, Richton Park, Riverdale, Robbins, Sauk Village, Skokie, South Holland, South Chicago Heights, Thornton, Wheeling, Hillside, Westchester, and Winnetka.

- b) The minimum allocation for each site location guidelines for each region follow in the event that a BAID is required for a Permittee who resides more than seventy-five (75) miles from any location in his/her region, installation and service must be provided by a mobile unit on site for the Permittee or at another alternative location within a seventy-five (75) mile radius of the Permittee's residence which is acceptable to the Permittee:

- 1) Region 1: one in Lake County; one in Winnebago County; one in LaSalle County at a site within a five mile radius of the intersection of Interstate 39 and Interstate 80; and either one in both Municipal District 4 and Municipal District 5 of the County of Cook County or one in Lyons Township;
- 2) Region 2: one in Cook County; one in DuPage County; one in Morgan County; and one in Chicago in Cook County;
- 3) Region 3: one in Effingham County; one in Kane County; one in Kankakee County; one in Sangamon County; one in Tazewell County; one in either Champaign or Urbana in Champaign County; and one in Municipal District 3 of the Circuit Court of Cook County;
- 4) Region 4: one in St. Clair County; one in Jefferson Whittemson County; one in Will County at a site within a five mile radius of the intersection of Interstate 80 and U.S. Route 45; and one in Municipal District 2 of the Circuit Court of Cook County.

- c) Any Permittee residing in a portion of a municipality located in Cook County and who is located in a designated permittee region shall be considered to be in the region of the non-Cook County portion of the Permittee's municipality.

(Source: Amended at 20 Ill. Reg. effective

15773

NOV 25 1996

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

- 1) Heading of the Part for which proposed rulemaking is being corrected: Pay Plan

- 2) Code Citation: 80 Ill. Adm. Code 310

- 3) Illinois Register Citation to Notice of Proposed Amendment: 20 Ill. Reg. 14954, November 22, 1996

- 4) Section being corrected: Section 310.230

- 5) Correction being made: In Section 310.230, Part-time Daily or Hourly Special Services Rate, the Educator Aide's daily rate is being modified to delete the old maximum rate of \$35.00. The new daily rate for the Educator Aide will be reflected as \$36.00 only which upgrades the daily rate to the FLSA minimum wage increase (\$4.75 per hour) that became effective October 1, 1996.

The full text of the proposed amendment as corrected begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
310.60	Conversion of Base Salary to Daily or Hourly Equivalents
310.70	Increases in Pay
310.80	Decreases in Pay
310.90	Other Pay Provisions
310.100	Implementation of Pay Plan Changes for Fiscal Year 1997
310.110	Repeal of and Application of Pay Plan
310.120	Effective Date
310.130	Reinstitution of Within Grade Salary Increases
310.140	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)
310.150	

SUBPART B: SCHEDULE OF RATES

Section	Introduction
310.205	Prevailing Rate
310.210	Negotiated Rate
310.220	Part-Time Daily or Hourly Special Services Rate
310.230	Hourly Rate
310.240	Member, Patient and Inmate Rate
310.250	Crime Rate
310.260	Designated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Forfeiture Service Rate
310.290	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant
310.320	Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Compensation Increases
310.460	Other Pay Provisions
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay
TABLE B	Building
TABLE C	RC-130 (Department of Central Management Services - State of Illinois)
TABLE D	RC-131 (Department of Natural Resources, Teamsters)
TABLE E	RC-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE F	RC-069 (Firefighters, AFSCME)
TABLE G	RC-001 (Teamsters Local #726)
TABLE H	RC-020 (Teamsters Local #330)
TABLE I	RC-019 (Teamsters Local #25)
TABLE J	RC-045 (Automotive Mechanics, IFPE)
TABLE K	RC-006 (Corrections Employees, AFSCME)
TABLE L	RC-009 (Institutional Employees, AFSCME)
TABLE M	RC-014 (Clerical Employees, AFSCME)
TABLE N	RC-023 (Registered Nurses, INA)
TABLE O	RC-008 (Boilermakers)
TABLE P	RC-110 (Conservation Police Lodge)
TABLE Q	RC-010 (Professional Legal Unit, AFSCME)
TABLE R	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE S	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, AFSCME)
TABLE T	RC-033 (Meat Inspectors, IFPE)
TABLE U	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE V	RC-012 (Fair Employment Practices Employees, SEIU)
TABLE W	HR-010 (Teachers of Deaf, IFT)
TABLE X	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE Y	CU-500 (Corrections, Meet and Confer Employees)
TABLE Z	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 16210, effective September 2, 1991; amended at 15 Ill. Reg. 17111, effective October 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 17693, effective August 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 17693, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14666, effective September 1, 1993; amended at 17 Ill. Reg. 19103, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21858, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3196, effective March 14, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6688, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6881, effective May 11, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7634, effective May 14, 1996; amended at 20 Ill. Reg. 8391, effective June 15, 1996; amended at 20 Ill. Reg. 8559, effective July 1, 1996; amended at 20 Ill. Reg. 9006, effective June 8, 1996; amended at 20 Ill. Reg. 9975, effective July 10, 1996; peremptory amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996.

SUBPART B: SCHEDULE OF RATES

Section 310-230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of pay for the regular grade for the title as shown on the salary schedule. The salary schedule is subject to this 5% of the negotiated salary range for classes of positions shown in Section 310-220; Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	32 to 50 (daily)
Building/Grounds Lead I	4.75 to 6.00 (hourly)
Building/Grounds Lead II	4.75 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	36 to 70 (daily)
Chemist II	36 to 45 (daily)
Conservation/Historic Preservation	4.75 to 6.50 (hourly)
Conservation/Historic Preservation	
Conservation/Historic Preservation	
Worker (2nd season) -- site interpretation)	4.75 to 6.50 (hourly)
Conservation/Historic Preservation	
Worker (3rd season) -- site interpretation)	4.75 to 6.50 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	36 to 85 (daily)
Educator Aide	36 to 35 (daily)
Guard II	67 to 84 (daily)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

Quar II		75 to 96 (daily)
Reading and Speech Coordinator	Hff--PV--96:	15 to 30 (daily)
Hearings Referee	Hff--PV--97:	75 to 200 (daily)
Janitor I		4.75 4-75 to 5.30 (hourly)
Labor Maintenance Lead Worker		5.00 to 6.00 (hourly)
Labor Relations Investigator		36 35 to 70 (daily)
Laborer (Maintenance)		4.75 4-75 to 5.70 (hourly)
Maintenance Worker		4.75 4-75 to 5.00 (hourly)
Occupational Therapist		40 to 160 (daily)
Program Coordinator	Hff--PV--96:	8-12-to-14-96-to-15-97
Office Aide	Hff--PV--97:	8-12-to-15-97-to-16-98
	Hff--PV--97:	8-12-to-16-98-to-17-99
Office Assistant	Hff--PV--96:	60 to 80 (daily)
	Hff--PV--97:	69-to-90-to-101
	Hff--PV--97:	9.16 to 12.36 (hourly)
	Hff--PV--97:	68 to 93 (daily)
Office Associate	Hff--PV--96:	9-88-to-10-89-to-11-90
	Hff--PV--97:	9-88-to-10-89-to-11-90
	Hff--PV--97:	9.80 to 13.44 (hourly)
Office Clerk	Hff--PV--96:	73 to 101 (daily)
	Hff--PV--97:	8-98-to-10-99-to-11-00
	Hff--PV--97:	8.58 to 11.49 (hourly)
Optometrist		64 to 86 (daily)
		15 to 35 (hourly)
Physician		50 to 160 (daily)
Physician Specialist (A)		100 to 300 (daily)
Physician Specialist (B)		20 to 60 (hourly)
Physician Specialist (C)		100 to 325 (daily)
Physician Specialist (D)		20 to 70 (hourly)
		100 to 350 (daily)
		15 to 75 (hourly)
		100 to 300 (daily)
		20 to 115 (hourly)
Podiatrist		100 to 370 (daily)
Psychologist I		50 to 125 (daily)
Psychologist II		36 35 to 80 (daily)
Psychologist III		40 to 125 (daily)
Recreation Worker I		40 to 150 (daily)
		5.33 (hourly)
Registered Nurse I		36 34 to 40 (daily)
Registered Nurse II		39 to 54 (daily)
Registered Nurse III		41 to 56 (daily)
Registered Nurse I (Cook County)		43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)		44 to 59 (daily)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTION TO PROPOSED AMENDMENT

2nd or 3rd shift)		43 to 58 (daily)
Registered Nurse II		44 to 59 (daily)
Registered Nurse II		45 to 60 (daily)
(2nd or 3rd shift)		47 to 62 (daily)
Registered Nurse II (Cook County)		45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)		47 to 62 (daily)
Revenue Tax Specialist I		11.56 to 16.16 (hourly)
		86 to 122 (daily)
Social Worker II		36 35 to 75 (daily)
Social Worker III		36 35 to 80 (daily)
Student Worker		4.75 4-25 to 8.00 (hourly)
Technical Advisor II		32 to 35 (hourly)
Technical Advisor III		32 to 60 (hourly)
Veterinarian II		95 to 130 (daily)

(Source: Amended at 21 Ill. Reg. _____ effective _____)

-Expiration of Second Notice Period: 1/8/97

Historic Preservation Agency

5. Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public Land (17 Ill. Adm. Code 4190)
-First Notice Published: 20 Ill. Reg 10496 - 8/9/96
-Expiration of Second Notice Period: 1/5/97

NATURAL RESOURCES

6. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
-First Notice Published: 20 Ill. Reg 12944 - 10/4/96
-Expiration of Second Notice Period: 1/3/97
7. Advertising in Department Publications (17 Ill. Adm. Code 2650)
-First Notice Published: 20 Ill. Reg 6633 - 5/17/96
-Expiration of Second Notice Period: 1/5/97

Insurance

8. Intergovernmental Joint Insurance Pool Annual Audited Financial Report (50 Ill. Adm. Code 2405)
-First Notice Published: 20 Ill. Reg 3673 - 3/1/96
-Expiration of Second Notice Period: 12/29/96

Pollution Control Board

9. Water Quality Standards (35 Ill. Adm. Code 302)
-First Notice Published: 20 Ill. Reg 10539 - 8/9/96
-Expiration of Second Notice Period: 1/8/97

10. Effluent Standards (35 Ill. Adm. Code 304)
-First Notice Published: 20 Ill. Reg 10760 - 8/16/96
-Expiration of Second Notice Period: 1/8/97

11. Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 317)
-First Notice Published: 20 Ill. Reg 11554 - 8/30/96
-Expiration of Second Notice Period: 12/27/96

Professional Regulation

12. Illinois Dental Practice Act (68 Ill. Adm. Code 1220)
-First Notice Published: 20 Ill. Reg 6638 - 5/17/96
-Expiration of Second Notice Period: 1/9/97

PUBLIC AID

13. Rights and Responsibilities (89 Ill. Adm. Code 102)
-First Notice Published: 20 Ill. Reg 7579 - 6/7/96
-Expiration of Second Notice Period: 12/29/96

14. Aid to Families with Dependent Children (89 Ill. Adm. Code 112)
-First Notice Published: 20 Ill. Reg 10766 - 8/16/96
-Expiration of Second Notice Period: 12/20/96

15. Aid to Families with Dependent Children (89 Ill. Adm. Code 112)
-First Notice Published: 20 Ill. Reg 12326 - 9/13/96
-Expiration of Second Notice Period: 12/20/96

16. Food Stamps (89 Ill. Adm. Code 121)
-First Notice Published: 20 Ill. Reg 10263 - 8/2/96
-Expiration of Second Notice Period: 1/4/97

17. Demonstration Programs (89 Ill. Adm. Code 170)
-First Notice Published: 20 Ill. Reg 10778 - 8/16/96
-Expiration of Second Notice Period: 12/20/96

Public Health

- 77-692-96-08227 MC
18. AIDS Drug Reimbursement Program (77 Ill. Adm. Code 692)
-First Notice Published: 20 Ill. Reg 8227 - 6/21/96
-Expiration of Second Notice Period: 1/15/97

Racing Board

19. Pari-Mutuels (11 Ill. Adm. Code 300)
-First Notice Published: 20 Ill. Reg 12333 - 9/13/96
-Expiration of Second Notice Period: 1/2/97

20. Claiming Races (11 Ill. Adm. Code 510)
-First Notice Published: 20 Ill. Reg 10548 - 8/9/96
-Expiration of Second Notice Period: 12/22/96

Rehabilitation Services

21. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)
-First Notice Published: 20 Ill. Reg 11894 - 8/30/96
-Expiration of Second Notice Period: 12/27/96

22. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)
-First Notice Published: 20 Ill. Reg 10305 - 8/2/96
-Expiration of Second Notice Period: 1/8/97

23. Services (89 Ill. Adm. Code 590)
-First Notice Published: 20 Ill. Reg 12335 - 9/13/96
-Expiration of Second Notice Period: 1/8/97

Secretary of State

24. Lobbyist Registration and Reports (2 Ill. Adm. Code 560)

- First Notice Published: 20 Ill Reg 12701 - 9/27/96
-Expiration of Second Notice Period: 1/4/97
25. Sale of Information (92 Ill Adm Code 1002)
-First Notice Published: 20 Ill Reg 12341 - 9/13/96
-Expiration of Second Notice Period: 1/9/97

State Police

26. Electronic Transmission of Fingerprints (20 Ill Adm Code 1265)
-First Notice Published: 20 Ill Reg 30771 - 4/16/96
-Expiration of Second Notice Period: 1/3/97
27. Gang Crime Witness Protection Act (20 Ill Adm Code 1275)
-First Notice Published: 20 Ill Reg 10313 - 8/2/96
-Expiration of Second Notice Period: 12/27/96

EMERGENCY & PEREMPTORY RULEMAKINGSDepartment of Agriculture

29. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 20 Ill Reg 15371 - 12/2/96

Central Management Services

29. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 20 Ill Reg 15092 - 11/22/96

Pollution Control Board

30. Livestock Waste Regulations (35 Ill Adm Code 505) (Emergency)
-Notice Published: 20 Ill Reg 14903 - 11/15/96

Professional Regulation

31. Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240) (Emergency)
-Notice Published: 20 Ill Reg 14924 - 11/15/96

Secretary of State

32. Public Library Construction Grants (23 Ill Adm Code 3060) (Emergency)
-Notice Published: 20 Ill Reg 15081 - 11/22/96

EXPEDITED CORRECTIONSPollution Control Board

33. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)

AGENCY RESPONSESLabor

34. Minimum Wage Law (56 Ill Adm Code 210)
35. Personnel Records Review Act (56 Ill Adm Code 355)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 26, 1996 through December 2, 1996 and have been scheduled for review by the Committee at its December 17, 1996 or January 14, 1997 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expiration	Agency and Rule	Start of First Notice	JCAR Meeting
1/9/97	Department of Professional Regulation, Illinois Dental Practice Act (68 Ill. Adm. Code 1220)	5/17/96 20 Ill. Reg 6638	12/17/96 20 Ill. Reg 6638
1/9/97	Secretary of State, Sale of Information (92 Ill. Adm. Code 1002)	9/13/96 20 Ill. Reg 12341	12/17/96 20 Ill. Reg 12341
1/15/97	Department of Public Health, AIDS Drug Reimbursement Program (77 Ill. Adm. Code 692)	6/21/96 20 Ill. Reg 8227	12/17/96 20 Ill. Reg 8227
1/15/97	Office of the State Fire Marshal, Boiler and Pressure Repairer Regulations (41 Ill. Adm. Code 121)	7/19/96 20 Ill. Reg 9445	1/14/97 20 Ill. Reg 9445
1/15/97	Office of the State Fire Marshal, Boiler and Pressure Vessel Rules for Hearings (41 Ill. Adm. Code 123)	7/19/96 20 Ill. Reg 9432	1/14/97 20 Ill. Reg 9432
1/15/97	Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)	7/26/96 20 Ill. Reg 9780	1/14/97 20 Ill. Reg 9780
1/15/97	Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)	6/21/96 20 Ill. Reg 8209	1/14/97 20 Ill. Reg 8209
1/15/97	Department of Children and Family Services, Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)	8/16/96 20 Ill. Reg 10753	1/14/97 20 Ill. Reg 10753

1/15/97 Department of Insurance, Modified Guaranteed Annuity (MGA) Contracts (50 Ill. Adm. Code 1410) 7/26/96
20 Ill. Reg 9803 1/14/97

1/15/97 Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148) 9/13/96
20 Ill. Reg 12330 1/14/97

1/15/97 Department of Public Aid, Child Support Enforcement (89 Ill. Adm. Code 160) 5/24/96
20 Ill. Reg 7288 1/14/97

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.
____1977-1978____1979____1980____1981____1982____1983____1984____1985____1986____
____1987____1988____1989____1990____1991____1992____1993____1994____1995____

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.
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ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)
____NEW____RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED QUARTERLY @\$290.00
____1996 CODE & 2 SUPPLEMENTS____QUANTITY

TOTAL AMOUNT OF ORDER: \$_____
____CHECK____VISA____DISCOVER____CARD #:_____

EXPIRATION DATE:____SIGNATURE:_____
(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:_____

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible across the page.]